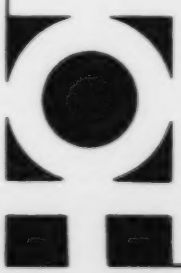
REPORT ON SEXUAL ASSAULT IN CANADA



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REPORT ON SEXUAL ASSAULT IN CANADA

by

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December 1981

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SEXUAL ASSAULT IN CANADA

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Special Thanks to: the Canadian Association of Sexual Assault Centres, Lorenne Clark, Dr. Stan Lawlor, Linda McLeod, Cindy Manson, Peggy Mason, Ontario Coalition of Rape Crisis Centres, Doris Shakleton, Sandi Sohli, Marg Taylor, Wilfrid Laurier University Computer Centre (particularly Bob Ellsworthy), Dr. Suzannah Wilson and Sheila Zimmerman.

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PROLOGUE

Karen lived in a small town in southern Ontario. She was sexually assaulted the summer she was twelve.

One day, Karen, a girlfriend of the same age, her sister and her cousin were playing and swimming at Karen's family pool.

While they were on the front lawn, a boy Karen knew from the local skating club pulled up in his car. They all chatted and fooled around and the boy, Terry, asked them if they wanted to go in his car to the Dairy Queen. Karen went into the house to ask her mother if it was alright.

"If it would have been anyone else, she would have said no," says Karen in telling her story now, five years later. "Terry had a good reputation in the town, he taught figure skating, played on various school teams, was a 'good Samaritan' in the community. He was well known and well liked."

Karen's mother said it would be fine for them to go to the Dairy Queen, and to invite Terry back for a swim afterwards.

The trip to the Dairy Queen was uneventful except for a few remarks that Terry made that struck Karen as a little strange. When one of the younger girls spilt ice cream on her leg, Terry asked if he could lick it off. It was said jokingly and everyone laughed.

On the way back they stopped at Terry's house to pick up his swimsuit. He asked all the girls to come into the house to say hello to his mom. They went inside but his mother wasn't there; Terry said she must have gone out. He then asked if they wanted to see a trophy he had just won which was up in his bedroom. They all went up to his room and admired the trophy.

The younger girls began looking through a stack of Playboy magazines in the room, giggling and laughing. Karen and her friend didn't look at the magazines and decided it was time to leave. At that point Terry shut the bedroom door and started to take his clothes off.

"It was when I saw that he had an erection that I really got scared. I decided we all needed to get out of there. But I still had no idea what was to come."

When Karen's friend tried to get out the door, Terry grabbed her and threw her across the room onto the bed. He wasn't fooling around anymore.

Karen feels she played the "mother" role, trying to get the younger ones out of the room. After trying vainly to hide them all in a closet, she fought with Terry while the other three made it out the door.

He pushed her down on the bed and began taking off her T-shirt and bathing suit. During this time he was pleading with her not to fight. When she continued to struggle, he told her not to move or he would kill her.

"It wasn't Terry. He was completely changed, not the person I had known. I don't remember what I felt at that time, it all happened very fast. I didn't know what was happening to me, and I didn't know what would happen next. I just knew I was in trouble."

She was kicking and screaming and trying to get away. At one point she tried to grab a lamp to hit him. He pinned her hands above her head, and raped her.

Immediately after, he ran downstairs because Karen's girlfriend was trying to phone for help. Terry ripped the phone out of the wall before they could get through, but the girls managed to run out the front door before he could catch them.

Karen ran into the bathroom, locked the door and screamed out the window. She remembers putting her hand through the glass as the bathroom door crashed in. The next thing she remembers is lying naked on the living room floor. Terry was gone.

"I went outside, clutching my T-shirt to my front, and saw my cousin standing there. My friend and sister had run off to get help and she didn't know her way around so all she could do was wait. I looked around and didn't know where I was. Nothing looked familiar though I had lived in that town all my life. I couldn't run, I could hardly move."

Terry was driving away in his car when he saw Karen standing there. He came toward her, fell on his knees and said over and over "Please don't tell."

Karen's sister had got word to her family and Karen's father drove up in his car and took her home. Both Karen's and her friend's mother were there - both were hysterical and everyone asked a lot of questions, which Karen answered briefly and quietly. Her father tried to find a doctor who would come to the house, but none would unless the police were called. Karen remembers her parents arguing and finally deciding to call. Both a doctor and a police officer arrived at the house.

"I felt removed from the situation at that time. The room was full of people being upset. I was worried about my mother who was hysterical and sick in the bathroom. I just sat in a chair staring at the wall. I still didn't understand what had happened, except that it was bad. My mother had told me about sex but I knew it wasn't supposed to be like that. I was very confused."

After a statement was taken from Karen and her father, she was taken to a hospital to be examined.

She received immediate attention. First, a nurse took each article of clothing she was wearing and put it in a separate bag. The nurse didn't say anything to Karen except to ask for the clothes. There were three nurses, a doctor and the policeman there for the pelvic examination. Her mother was at first refused permission to be there as well, but she insisted and was allowed to be in the room. The doctor began by telling Karen he "didn't like to do this sort of thing but he had to." Karen feels he may have been trying to reassure her but the feeling she got was that the procedure was distasteful to him. A nurse read from a textbook while the doctor performed the required tests.

Karen's over-riding memory of the period following the rape, in her own words, is that she was made to feel like "baggage". They seemed to be trying to hide her as she went into the hospital; there was something furtive in their manner. People didn't speak directly to her, explain things to her or try to comfort her. Although she repeatedly told people she had to go to the bathroom, she was not allowed to, or told why until after the examination.

The hospital visit took about an hour altogether and she has no memory of the trip home.

The court experience several months later was also accompanied by a sense of being only an accessory, almost an onlooker. Although Karen went to the courthouse three times, she was not required to testify at the preliminary hearing or the trial. She did finally appear before the grand jury on one occasion. Karen had wanted very badly to testify.

"I wanted people to know it happened. I wanted to say in court that he did it. It made me feel the whole thing had nothing to do with me. It wasn't the Queen who got raped. It was me. But it was totally out of my hands."

Only afterwards did Karen learn that the prosecuting attorney had sought to keep her off the stand, had in fact plea bargained and so allowed the case to be tried as attempted rape. Karen feels she had a right to know what was happening and to have some input into the decision to testify or not.

Terry pleaded guilty to attempted rape, was found guilty and given a suspended sentence with psychiatric care recommended. No appropriate psychiatric service was available in or near the town so he never did receive treatment.

In the immediate weeks after the assault, Karen thought about the incident every day, trying to understand what had happened and why. The night following the rape she had a dream in which Terry came toward her in a white robe. She never slept in that room again.

"I felt someone had stolen something from me and my family. I was still really concerned about how much my mom had been hurt. I changed that summer. I became tough. Until then I was a prim and proper little girl, after the assault I didn't want anyone to cross me."

Because they both still lived in the same town, Karen continued to see Terry. He would smile and say hello to her in the street. When she was fourteen she attempted to beat him up and was charged with assault. After that they were both ordered by the court to keep the peace: neither could frequent the

skating club in the town, which had been a focal point of Karen's life.

Karen was ostracized by her friends whose mothers "didn't want them hanging around with a rape victim". Her closest friend who had been involved in the assault incident was forbidden to see Karen.

Shortly afterwards the family moved, and Karen's parents subsequently divorced. She can't separate cause and effect but knows the sequence of events had a large impact on her teenage years.

Her contact with Rape Crisis counsellors then and now is helping her to understand what happened, and to work through some of her anger and other feelings.

> "I'm a very possessive person, of things and people, I think because I had so much taken away from me during those years. I also have a lot of trouble relaxing sexually, I get stiff and tense and I want to get over that. I've had a lot of support from my family and current friends but I remember how people treated me then. I was definitely blamed by some people."

SECTION I INTRODUCTION

The term "sexual assault" is commonly applied to only the most violent and stereotypical crimes involving strangers encountered on dark streets who leave visible bruises. Often only certain kinds of women are seen as its real victims.

In fact, a sexual contact becomes assault when both parties have not fully and freely consented; when any coercion is used to bring about that contact. "Sexual assault" describes an assault with a sexual component: rape, indecent assault and incest, and will be used in this study mainly in connection with the crime of rape.

How Common is Sexual Assault?

Many people may have experienced sexual assault to some degree in their lives, without thinking of them as attacks on their persons. Despite attempts to prevent them, various kinds of sexual assault - rape, indecent assault, forced anal and oral sex, incest in violent and threatening circumstances - continue to occur.

The statistics on sexual assault are still very much undocumented, but we can begin by looking at those crimes reported to police: in 1979, 3 388 rapes and 8 167 indecent assaults against males and females were reported to police in Canada. Estimates made of how many rapes are committed but not reported to police: estimates range from 2 for every one reported, to 20 for every one reported.[1] The figures generally accepted by the FBI in the United States and many police departments in Canada are that one rape in ten is reported. Thus, we could speculate that there were as many as 33 880 cases of rape in Canada in 1979.

Large numbers of other kinds of sexual assault are never documented. Using the 10-to-1 ratio for unreported offenses, it is likely

that close to 115 550 women and men are victims of various forms of sexual assault each year in Canada.

In a random sample of Winnipeg women, Julie Brickman found that one out of 17 women had been raped at some point in her life, and that one out of five had experienced some form of sexual assault.[2]

The combined incidence rate of rape and sexual assault is one in four for women living in Canada. Far from being an infrequent crime, sexual violence is a fairly common occurrence. Although sexual crimes are committed against both sexes, the vast majority of victims are female. Hence this report will focus on the effects of sexual violence on women and girls.

The Present Study

This study is concerned with sexual assault in Canada today: what it is and what it is not; its victims and assailants; how it is dealt with and how adequately or inadequately action is taken. Common perceptions and misconceptions surrounding the crime will be examined within the larger social context.

Information presented draws on studies done in recent years in the United States and Canada and on the experiences of sexual assault victims and counsellors. Previously unpublished findings of a recent project conducted in five Ontario Rape Crisis Centres form a major part of the statistical base. This project dealt with 513 cases, reported to Sexual Assault Centres over a period from March 1, 1979 to February 29, 1980. An extensive multiple choice questionnaire was used by counsellors and researchers to record information, which was then computer tabulated and analyzed by the researchers.[3]

The amount of information collected for each case varied. The number of answers for each question (which is often less than the total number of cases) forms the basis for analysis.

The results of this Ontario study provides more detailed information on the experience of sexual assault, than do other available studies completed so far in Canada. National statistics on sexual assault are not generally available, but have been used where possible. The large number of unreported cases tends to misrepresent the nature of the crime, since unreported cases cannot be assumed to be the same as those reported. In fact, there are many reasons for them to be slightly different: victims may, for example, be less likely to report attackers they know well, or who could carry out some form of retaliation: i.e., employers or landlords. Some victims believe the myths of sexual assault so they don't believe they deserve to complain.

One would expect that the obvious source of information would be police reports; police figures in Canada have been used, but with some caution. It is important to note that an initial screening takes place when the police must decide whether or not to lay charges on behalf of the Crown in a reported case of rape or other sexual assault. This decision rests on interpretation of the case as "founded" (the police believe a crime was committed) and hence prosecutable, or "unfounded" and not further investigated. Of the 3 388 reported cases of rape in 1979, only 67.6% were classified as "founded" by the police; the rest were not investigated further because sufficient evidence was not found to warrant investigation, the case was not strong enough to be prosecuted successfully, or police officers involved did not believe the victim's story.

In Clark and Lewis' study of Metropolitan Toronto police files on rape in 1970, the police classified 63.8% as unfounded while Clark and Lewis determined that only 10.3% were genuinely unfounded, or false reports.[4]

Susan Brownmiller reports that the national average of false rape reports in the United States in 1973 was 15%, but when policewomen were assigned to investigate sex crimes, the false report rate dropped dramatically to 2% in New York City, well in line with the average false report rate for other violent crimes.[5]

As can be seen, police reports and classification is not an accurate portrayal of sexual assault occurrences. Luckily, a wider statistical base is being made available through surveys of the general public and records from hospital emergency rooms, counselling centres and other agencies and institutions. The files of Rape Crisis Centres which provide information on a wide range of sexual assault crimes and combine both reported and unreported crimes are an important source of data, one drawn on heavily for this report.

The report tries to give a perspective on the social background of sexual assault. Those who work with victims are acutely aware that social and institutional mechanisms, in regard to both victims and assailants, are not adequate. Sexual assault is still surrounded by many myths and inaccurate judgments at all levels of society, which cloud the issue and further victimize victims of the crime. Attitudes to sexual assault are not easily understood or changed, since most of them are rooted in commonly held beliefs and assumptions about women, violence and sexuality. An examination of these attitudes forms part of this report.

SECTION II SEXUAL ASSAULT: VICTIM AND ASSAILANTS

The Victim

Our study reveals the following general picture of the victim of sexual assault, as recorded at Sexual Assault Centres in Ontario.

Sex: Sexual assault is a crime in which women and girls are by far the primary victims. In 274 reported cases in our survey, 264 victims, or 96.4% were female; 10 or 3.6% were male. This figure is in line with other studies that report 4% to 5% male victims.[6]

Although males cannot be raped according to the legal definition, in the broader sense of forced sexual contact or penetration of a bodily orifice, men and boys can be and are sexually assaulted. Some researchers believe that the unreported crime rate for sexual assault on males is proportionately greater than for females because of the particular social stigma and humiliation felt by men who are sexually assaulted.

Age: Victims in our study, as in most others, were predominantly young: 53.1% were under 20. The most common age category was 15 to 19 years (31.9%). Only 14% were 30 or over. This may reflect the fact that young women are more likely to use the services of Rape Crisis Centres, where the survey was conducted.

Marital Status: Information on marital status was available for 243 respondents of whom 46.5%, or almost one half, were classified as "single-dependent" (a child or adult financially, physically and emotionally dependent on a parent or guardian). A further 23% fell into the "single-independent" category. Another 12% were married; 1.5% were living in common-law relationships at the time of the attack. The remaining 17% were separated, divorced or widowed.

Of 173 cases for which this information was given, 49.2% were living with either one or both parents at the time of the attack. It is not merely the young woman living alone who is singled out for attack. Sexual assault takes place just as often with victims living in what are thought of as "protected" circumstances, living with parents or husband.

Occupation: In 178 reported cases, 62.9% were students; the other 66 clients were fairly evenly distributed in other occupational categories, except that professional and managerial categories were under-represented. Possibly these women have access to resources other than Rape Crisis Centres. No study to date has found clear-cut differences in occupation status of victims.

Are certain women in non-traditional occupations, doing shift work or working as prostitutes, bar waitresses or entertainers more susceptible to sexual assault? Too little information was collected in this study to be significant. Other researchers have found that women in the helping professions (social workers, nurses, etc.) are more vulnerable to sexual assault[7], possibly because they have been trained to be responsive to and trusting of others.

Socio-Economic Status: Our study suggests that women from all classes are victims of sexual attack. Other studies also found no reliable differences in class origins of victims other than the fact that, as in most other crimes, it is the "lower class" crime that most often comes to light. For example, social workers in contact with low-income families see and report cases of child abuse. (Incestual assault is seldom reported voluntarily.)

Women belonging to ethnic minorities are not accurately represented in the clientele of Rape Crisis Centres. No large scale study on the racial or ethnic origins of victims has been done in Canada. In the United States, virtually all studies have found a higher risk of sexual assault among minority group women.[8]

Other Characteristics: Are there other factors that make particular women more vulnerable to attack? There are no clear-cut answers. Physically small

or weak women might seem more vulnerable, but the assertive and physically strong woman is also assaulted. Women who have believed themselves too sensible, cautious or intelligent to be sexually assaulted have been victims, sometimes in situations where even careful precautions proved an ineffective defense.

Previous assaults appear to increase the chances of the same women being victimized again. This factor may well be related to the psychological damage suffered by the woman which affects her behaviour and affects the impression she makes on others.

One former victim who was repeatedly sexually assaulted when she was young has this to say:

> Another effect was not knowing how to relate to anyone: men or women. I didn't have any peer relationships. When Susy was talking about kissing Johnnie, I was reminded of what was going on at home. So I withdrew and stayed away from people who were talking about peer relationships.
>
> Also, I didn't know how to relate to people who weren't abusive to me. I was raised in an abusive system so I picked abusive people to be around. I not only picked abusive people but there are a lot of abusive people in the world so it's not just a matter of picking them. If somebody was really nice to me, I didn't know how to handle it. I would pick people who would beat me up right off the bat and get it over with so I didn't have to fear when it was going to come.[9]

Continuing abuse may come from a belief that previously raped women or girls are "damaged goods", unworthy of respect. Diana Russell in The Politics of Rape includes this example of a woman who was raped at age four by two adolescents and sexually harassed by her stepfather as a teenager:

> From the time I was, I guess, fourteen until almost seventeen, whenever my mother was gone, I'd find my stepfather by my bed at night. He would make advances and when I ended up in tears sometimes he'd say, 'Well, what difference does it make? You've had all this before. Why should it bother you?'[10]

A study done in Philadelphia found that 20% of rape victims had been sexually assaulted previously.[11] In our study, 36.7% of those who responded to

the question (N=31) had been victims of an earlier sexual assault; 29% were assaulted before they were sixteen. It would appear that the incidence of a second victimization - one in 3.7 - is higher than the general incidence of sexual assault, though the sample is too small to be conclusive.

The Assailant

Until very recently, virtually all information collected on rapists was based on data gathered from incarcerated offenders. (Rape has always been a focus for study, rather than sexual assaults in general.) Since less than 2% of all rapists are in fact convicted[12], this is a very small population on which to base conclusions about the nature of the attacker in such crimes. It leaves out, for example, the assailant who is known to his victim and is less apt to be charged than is a stranger. Crimes that leave no visual signs of violence are also much less likely to get to court. Lower class males, particularly those with previous criminal records, are more likely to be convicted.

Statistics are now being gathered on other groups: self-confessed assaulters, apprehended assailants and participants in men's groups. Our study provided further information by questioning the victim about her assailant.

Sex: In our study, 300 out of 304 cases, or 98.6% were male offenders. Though cases of females accosting males are reported, they are rare occurences. Cases that do come to light are sensationalized in the media, thereby misleading readers about their frequency.

Age and Marital Status: Of 111 assailants in our study whose ages were known, 38% were between the ages of 15 and 19. A further 15% were between 20 and 24. Of the total, 84.7% were under 40. These figures correspond to other studies. Most sexual assaults are committed by young males, and generally the

assailant is just slightly older than the victim.

The assailants in our study were about equally divided between single and married (or common-law) categories. "Single-dependent" or "single-independent" accounted for 48%; 43.7% were married or living in a common-law relationship; 8.3% were separated, widowed or divorced (N=108).

Other Characteristics: No conclusive evidence was obtained from our study on socio-economic status, occupation or racial origin. Some studies have indicated a high percentage of lower class and non-white rapists[13], but these are based on data that are not representative of all assailants.

Group Assailants: In our study, 30% of the assailants participated in group assault. Of all assaults in the survey, 15% were commited by more than one assailant. The figures on group assailants are low in comparison to other research findings. Amir found that 71% of offenders in his Philadelphia study raped with an accomplice.[14] Lorenne Clark, in a study of group rape in Vancouver, believes that the "group rapist is at least as typical as the rapist who rapes alone"[15], that this type represents at least 50% of all offenders. A significant thing about such crimes is that they are usually planned. Amir found that almost all multiple offender rapes were pre-planned (82% in pair rapes, 90% with three or more assailants)[16], and that group rapes were more violent.[17]

Katz and Mazur in their Synthesis of Research Findings collected these explanations of group rape:

> ...sometimes occurred as a result of initiation rites, mandated by a gang ... to enable a young man to become a successful member of ghetto society ... They (the victims) were envied and needed to be put in their place ... (or) they were promiscuous or had a bad reputation and needed to be punished.[18]

Motivation: Why do men sexually assault women? Academics have proposed psychiatric, social and political theories to account for rape. Although motivation should not be confused with the cause of sexual assault, it can

provide some insight into the assailants' actions. The chief psychologist at the Massachusetts Centre for the Diagnosis and Treatment of Sexually Dangerous Persons, A.N. Groth, compiled data on rape offenders including those incarcerated, those arrested but not convicted, and those described in victims' reports. He determined three categories of assault among these offenders:

(1) The Anger Rape. The act is committed because of pent-up rage and frustration. Physical brutality is a characteristic, more force than necessary is used, often humiliating and degrading acts are also performed. The assailant is not sexually motivated, but:

> ...he expresses his fury both physically and verbally. His aim is to hurt and debase his victim, and he expresses his contempt for her through abusive and profane language.[19]

The anger may be directed towards the victim in particular, or she may be a convenient outlet for anger at the world, or women in general. This group of assailants recorded their own feelings:

> I was in a big dilemma. I knew what I was going to do to my victim was wrong and I shouldn't do it - yet I was so angry at the world, at life, at women. I didn't want to do it and I wanted to. The anger won out.[20]

> It was not a good marriage at all. After the baby was born I wasn't wanted or needed. Irene wouldn't sleep with me unless she wanted something, and I became extremely angry, upset, frustrated - the whole bit... After getting off work that Friday night I came home. Irene had promised to wait up for me, and I desperately looked forward to some loving. It had been a long time - too long. When I got home, however, she had already gone to sleep. At that instant, I stopped acting and started reacting.[21]

(2) The Power Rape. Groth says that in the "power rape" it is not "the offender's desire to harm his victim but to possess her sexually ... His goal is sexual conquest ... His aim is to capture and control his victim".[22] Most "power" rapists report being excited by the capture but find the sexual act itself disappointing, like this man reported in The Politics of Rape:

> I wasn't concerned about her head. I was only concerned with her body and being able to accomplish something that, given my upbringing, I couldn't accomplish any other way. I felt elated that

I was able to accomplish what I wanted. It gave me power over her.[23]

(3) The Sadistic Rape. The third category distinguished by Groth is less common. It is an exaggerated form of eroticized aggression and may involve particular violence to the sexual organs. The rapist intentionally causes pain and suffering; the sexual contact may be bizarre and fetishistic. The assault sometimes results in mutilation and murder.

The underlying motives for these assaults are clearly not sexual gratification per se but a way of acting out other emotions or needs. In the "anger rape", sexual assault is the means through which rage and frustration are vented on a victim who is powerless to resist or escape. "Power rapists" clearly desire the omnipotence that sexual assault gives them. "Sadistic rape" seems to be an extension of power rape where power and infliction of pain are sexually stimulating. The common theme is aggression towards another person.

There is a danger in over-simplifying all sexual assaults to fit these categories. Not all sexual assaults arise out of overt power or anger. Many sexual assailants, rather than "acting out" against a victim, believe quite frankly in their right to dominate women sexually, so that the woman's or girl's needs and rights are secondary to theirs. They do not seek power over women, but believe it to be an accepted fact. The assailant often does not see his act as rape, believing the victim to really be willing but in need of "seduction", and ready to yield to the use of force. Or he may simply believe that, in the case of a wife, sexual intercourse is his "marital right". Assaults of this nature take place between men and women who know each other, often very well. They may have had an on-going sexual relationship that was consensual. If their relationship was not sexual, the assailant may assume that the woman wanted sexual contact, i.e., by his interpretation of what sexual signals are, which vary from how the woman dresses, walks or talks to the fact that she is alone.

Researchers have found that fathers who sexually abuse their children often believe it is their right to treat their children, usually

their daughters, as they please. Those who have been studied tend to be insecure about themselves and immature in their sexual needs. They are characteristically dominant and aggressive people who satisfy their needs at the expense of others. As in adult assault, there may be confusion about motivation in the sexual abuse of children. Just as male on male rape is not necessarily a sign of homosexuality, sexual assault on children is not the same thing as pedophilia - or sexual attraction to children.

Incest involving children is of course a form of assault, not just immoral sexual behaviour in the family. The child is often chosen because she is a convenient and easy victim; like adult assault, sex is not the primary need, but the vehicle through which other needs are satisfied. According to Barbara Meyers, co-director of Christopher St. Inc., a Minneapolis program for incest and child abuse victims:

> ...It's easier for an adult who's insecure in his sexuality in his own being to look towards a child rather than another adult for some attention and affection. People look at sexual assault as a sexual act and it's not. It's a violent attack. It's made up of anger, emotional pain and immaturity on the family member's part and not a need for sex. I worked with a group of sex offenders for a long time and most sex offenders will tell you that 90% of their needs were for sex, which is not true. They turn all their emotional needs into sexual needs.[24]

SECTION III **THE NATURE OF THE CRIME**

The Assault

What kinds of sexual assaults are being documented? In our study, information was collected over a twelve-month period on the nature of crimes reported by clients of Rape Crisis Centres. Counsellors categorized each case. The 558 crimes reported involved 507 clients who supplied information. The breakdown is as follows:

	No.	%
* rape	320	57.3
attempted rape	34	6.1
**other sexual assaults	86	15.4
other attempted sexual assaults	2	.4
incestual assault	56	10.0
attempted incestual assault	1	.2
sexual harassment on job	6	1.1
other	53	9.5
	558	100.0

* rape complies with the legal definition
**other sexual assaults includes indecent assault, buggery, etc., but not incestual assault.

The Assault Related to Age of Victim: The kind of assault varied with the age of the victim. Rape was more common in the older groups: it comprised 35% of the cases reported by 0-14 year olds, but 58.6% in the 15-19 year old range, and 65.5% in the over-twenty age category. Incestual assault accounted for 15.8% of the attacks of those under 14; 12.2% of those aged 15 to 19, and 5.4% of those over twenty.

Multiple Assailants: In the Ontario study, there were 51 known cases of multiple assailant crimes, each involving from two to fifteen assailants (160 assailants in total).

No. of Assailants	No. of Cases
2	24
3	14
4	5
5	4
6	1
9	1
15	2

In our study, 14.1% of 425 cases reported involved more than one assailant. This figure is lower than many rape studies which range from 16 to 46% and may be accounted for by the different crimes reported and unreported in our sample (violent multiple assailant crimes are in particular more often reported). Also, adult rape is more commonly a multiple assailant crime, while incestual assault rarely is.

Location of the Assault: Among the victims reporting, 72% were assaulted in the general area[25] in which they lived; 13% were taken to a different area to be assaulted. The most common location of initial contact was the victim's home; 40.1% or 83 clients were accosted in their own homes. Although 23.7% reported being accosted in the assailant's home the figures overlap in cases where the victim and assailant occupied the same house. Other studies have found that from 51.9% to 67% of all rapes take place within a home.[26]

Our results were as follows:*

	No.	% of 207 cases
victim's residence	83	40.1
assailant's residence	49	23.7
other residence	12	5.8
public building	8	3.9
outdoors	54	25.2
public transit	22	10.6
workplace, prison	3	1.4
other	5	2.4

* categories are not mutually exclusive

Relationship between Victim and Assailant: In our study, assailants varied from total strangers, acquaintances, service people, and neighbors, to family

members. Only about one-quarter of the victims in our study were assaulted by complete strangers. On the opposite end of the scale, 16.8% of the assailants were family members (spouses, parents, brothers, other relatives).

The assailants in our study were identified in the following categories:

stranger	73
known slightly	24
casual acquaintance	24
recently met	14
boss/co-worker	4
business relationship	8
landlord	1
neighbor	5
baby-sitter situation	10
date	6
friend of partner or family	8
friend	17
boyfriend/girlfriend	4
relative	12
family member	5
parent/step-parent	23
spouse	5
Other (includes those identified as friends of friends, parents of friends)	25
	268

Combining these categories provides the following descriptions of assailants:

Relationship of assailant to victim in 268 cases

	%
stranger	27.3
known slightly	23.2
some relationship (including co-worker, neighbor, date)	12.7
close relationship (including family friend, boyfriend, family member)	27.5
other	4.3

In other studies, the proportion of child victims assaulted by family members rather than strangers turns out to be conspicuously high. The

American Humane Society, in a study of sexual assault of children, found that 27% were assaulted by members of their own households.

How the Victim Was Accosted: In 32.3% of known cases[27], the assault took place after some legitimate contact - the victim and assailant knew each other, the assailant was a serviceman who had been called in, or was a friend of a friend with a plausible story. But in 33.8% of these cases, the victims were violently attacked at the outset. Over 10% of the victims were accosted after having been offered a ride, and while this included hitch-hiking it also included lifts home offered by friends of friends or friends of the family. Twelve cases involved convincing a child that the assailant's actions were a game or that he was teaching or showing something to the child. Some assailants use elaborate stories to convince victims to get into their cars or to gain access to their homes. Usually these stories are quite plausible and backed up by supporting facts. An example of a lengthy, legitimate "build-up" is described in The Politics of Rape by Diana Russell:

> A 38 year-old woman was driving home at 11 or 11:30 from a bridge game with friends. She ran out of gas and was stopped along the side of the road. Two men in a car stopped to see if she needed help. The driver appeared to be "drunk and incoherent" and soon drove off, leaving his friend behind who, in the woman's opinion, "seemed very refined and very nice. He had workman's clothes on, but appeared clean and polite." He offered to walk a mile and a half for gas, which he did, while the woman waited in the car with the door locked. On his return, he indicated that he would start the car for her.
>
> The car was on a slight incline, and he said it would take a while for the gas to reach the engine from the gas tank or something technical like that. "Something told me this wasn't right, and that I shouldn't let him in the car at all, but what does a woman know about getting a car started?" It did in fact take a few minutes to start the car, and the woman felt obliged to let him drive back to the garage to return the gas can and pay for the gas. She also felt doubly indebted to him because she had forgotten her wallet so he paid for the gas. "He asked me if I'd mind going down the road to a little road-house. He said, 'I think that I'll find my friend down

there.' I really couldn't see anything too harmful in that. Since he was still in the driver's seat, he drove."

The man then drove onto a remote country road and fairly brutally raped and beat the woman.[28]

Women are attacked in a wide variety of situations and circumstances by men they trust and by perfect strangers. They are assaulted while taking normal risks associated with modern society and while being extremely cautious. Excessive suspicion of men serves only to limit the freedom of women when even the best of precautions is not a guarantee against sexual attack. Another example in The Politics of Rape deals with a woman asleep in her bed when attacked:

I couldn't understand how the guy got into my apartment. I lived on the second floor of a modern apartment building because it seemed safer than living on the first floor. I had put a chain on my door and locked the door before I went to bed. I had left the sliding glass door to my balcony open, but the screen door behind it was locked and to get to it you had to climb over a couple of fences. Anyhow, the guy had unlocked the screen door by cutting a hole in it.[29]

Duration of the Attack: The attack itself can last from a few minutes to several hours. In 60 cases in our study, 53.2% of the victims were held captive and physically and/or verbally assaulted for more than 30 minutes.

Many adult assaults happen more than once. They can be one aspect of a continuing physically abusive situation. Incestual assault in particular is a repeated crime. A German study of incest-related court cases found only 9% were one-time occurrences and 71% lasted a year or more.[30] Frequency of abuse in continuing cases can be daily, weekly or occasionally.

Type of Abuse: A sexual attack is not always restricted to one defined crime but may involve repeated violations and, also, several kinds of assault. The physical assault is often accompanied by verbal abuse - obscene language, threats and venomous speeches. Our study gave information on some of the

sexual actions of the assailants but it is by no means exhaustive. Reports of 200 victims included:

177 instances of rape (including in 28 reported cases, repeated acts of vaginal penetration)

36 instances of verbal sexual abuse

60 instances of sexual abuse in addition to the main sexual assault (fondling, humiliation and other sexual acts)

Dealing only with rape victims, Menachim Amir found that 27% of victims were subjected to some additional form of sexual abuse - fellatio, cunnilingus, sodomy and repeated intercourse.[31]

Gang rapes particularly are likely to involve sexual humiliation of the victim by bodily force or coercion. Sexual assaults often also include a high incidence of general abuse: the 200 victims in the above sample also reported:

48 instances of being beaten or choked

10 instances of being tied, drugged or blindfolded

1 instance of being shot or stabbed

40 other instances of physical injury

Amir found that 1 in 4 of the victims in his study was beaten, 1 in 5 severely beaten.[32]

The Victim's Experience of Sexual Assault

A sexual assault experience is like any other life crisis over which the victim has no control such as a car accident, the sudden death of a loved one, or loss of a job. However, sexual assault has characteristics that make it unlike other catastrophes.

Situational crises in general are sudden, unpredictable and arbitrary. Without warning, and through no fault of the victim, a physical

and emotional upheaval takes place. There is no chance to prepare psychologically and victims often wonder: "Why me, why right now?"

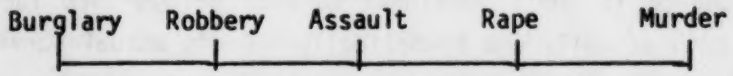
A life crisis poses some threat to the continued well-being of the person. An abrupt change in one's emotional balance brings into focus the uncertainty of life, both actually and symbolically. One's actual survival is also threatened. All major crises are turning points in life: the experience imposes stress that must be coped with, and the memory of the event affects all further reactions. Very often such an experience causes a good deal of introspection: one re-evaluates oneself in relation to the world at large. This can have very positive or very negative results.

Sexual attacks on the very young, gang assaults with a lot of violence, or assaults on the very old, are apt to bring an unqualified reaction from the general public. Other assaults do not. The facts of the assault are often obscured and pre-conceived notions may prejudice instead those on the outside to withold concern or sympathy, or to be very selective in its delivery. Because of the social climate, often accusatory and judgmental, the victim is not apt to discuss her experience or attempt to elicit sympathy from those around her.

When victims do report their feelings it becomes obvious that a sexual assault is a devastating experience. Viewed as a life crisis it is possibly the most serious personal crisis the victim will face.

Sexual attack is an attack on the body of the victim as well as on the psyche. The mind as well as the body is assaulted. The combined effects of this are perceived as a violation of the Self. "Self", as defined by Bard and Ellison[33], extends from the "soul" of the person, outward: the self in this case is defined as all aspects of one's being - physical, emotional, psychological, spiritual. The immediate space surrounding us is perceived as an extension of the self, hence, when we are crowded or pressed upon by others, even if they don't physically touch us, we feel threatened because our 'space' has been violated. Our possessions and living space are similarly

defined: any threat to them is a threat to ourselves. In a study of the effects of violent crimes on their victims, Bard and Ellison found that sexual assault, particularly rape and other acts of penetration, were perceived as the most serious violation of the Self, short of murder.



Burglary is a violation because one's living space is intruded on and personal possessions tampered with. Robbery is a greater threat because the assailant is in close physical proximity. Assault is an actual attack on the body of the victim and is physically and psychologically more serious. Rape is a more serious violation still because of the intimate and/or internal intrusion.

The experience of sexual assault is the total loss of power over one's destiny. The victim is totally under the control of the assailant and has no knowledge of the outcome of the attack. She doesn't know how soon it will end or how seriously she will be hurt. The threat of physical injury is always present and death is always a possibility. A sexual assault brings with it an acute sense of betrayal of the victim's trust, not only by the assailant, but by everyone. It is no longer possible to believe that people are inherently good, or well-disposed towards her. The victim may despise herself as a fool to have ever trusted anyone. The sexual assault victim has been used, quite literally, as an object of aggression and forced into sexual contact. She has been dehumanized and her own will has been disregarded. As an object she must endure the contempt and derision often displayed by the attacker. Sexual contact becomes an aggressive act, the sexual organ of the attacker the weapon. Sexual contact, which is pleasurable under mutually agreeable circumstances, is perceived as a degradation when consent is absent.

Emotional Injury

Victims of sexual assault report a variety of feelings during the

assault, including incredulity, horror, confusion, numbness and hysteria. The most commonly expressed overriding feeling during the attack is that of fear. Fear of death or serious physical injury is present in assaults which are not overtly violent because the potential for violence is always there. Children may feel fear or abhorrence without understanding what is happening to them.

Reactions after the assault also vary. Victims of sexual assault experience a good deal of guilt, shame and self-blame, even if they know they are not responsible for the attack. Age-old attitudes of sexual assault victims being thought of as defiled, "damaged goods" or "loose women", are still felt by victims. Anger and hatred which should be directed at their attackers is often turned inwards, or toward the world in general.

In our study of clients who came to Rape Crisis Centres, information on the emotional consequences of sexual assault was collected from 165 victims. Fourteen of these reported no emotional consequences. The remaining 151 suffered one or more of the following:*

	No.
trauma up to four weeks	53
symptoms to one year	29
severe long-term trauma	38
difficulty with or loss of job	13
major lifestyle change	40
thought of suicide	15
attempts at suicide	7
other	31

* These "consequences" were defined by the victim. Some victims reported more than one of the listed categories.

The 33 rape victims in a recent Winnipeg study by Julie Brickman reported one or more of the following effects from their experience:[34]

	%
anxiety and nervousness	70
depression	67
sleep disturbances	54
crying	49
feelings of being alone	55
difficulties in concentration	49

intense fears	46
quick mood changes	27

Physical Injury

Of 147 victims in our study, 61 or 41.5% reported no obvious or major physical injury, besides the traumatic effect of the sexual assault. Over one-half (58.5%), however, suffered additional injury as follows:

15 instances of severe beating

51 instances of burning, choking or hitting

12 instances of internal injury (bruises or lacerations to the anus or vagina)

20 other kinds of physical injury

Three clients reported serious long-term injury resulting from the attack.

Julie Brickman found that 52% of the rape victims in her Winnipeg study sustained some physical injury.[35]

The victim of sexual assault needs help after an attack. She obviously needs her physical injuries attended to, but she requires just as urgently compassionate attention to her emotional injury. After any crisis, the victim wishes to return as soon as possible to a "normal" state, to feel safe, and to regain a personal sense of control. The sexually assaulted woman needs to regain a sense of integrity and worth to be able to deal with her situation as injured victim.

The important difference between sexual assault and other life crises is that in other disasters one turns naturally to others for sympathy and support. In no other personal injury of similar severity is the reaction of others so freighted with censure, in contrast to the compassion normally offered an injured person.

SECTION IV DEALING WITH SEXUAL ASSAULT

Victims of sexual assault face problems in medical, police and court experiences that are not rare instances of poor care or individual eccentricity. The problems exist because, too frequently, personal biases of professional people are re-inforced by the attitude and policy of the hospital or police department towards such victims which in turn reflect the beliefs of society at large. Inadequate and even harmful treatment of sexual assault victims is in many cases the result.

Immediate Action

Usually, the victim herself must initiate action after the assault. Depending on circumstances, she must ensure her physical safety by getting away from the scene of the crime or calling for help to come to her. She must decide whether or not she needs medical attention and where to go for it. She will at some point have to decide whether or not to report to police or, if the crime has already come to their attention, whether to cooperate in the investigation. She will decide who amongst her friends and family to contact, and whether she wants outside help (a Rape Crisis Centre or other counsellor). Some of these decisions must be made before she can really begin to think clearly after the assault.

Seeking help means publicly declaring one's victimization. Sexual victimization carries a particular stigma; from the outset the victim must consider the reactions of others and their possible consequences on her life. Reporting a sexual assault is not an easy thing to do. Thirty-one percent of Burgess and Holmstrom's clients were initially reluctant to press charges.[36] Most people are aware of the negative possibilities of reporting to police and testifying in court. Pressure from others, uncertainty about the "right thing to do", and the victim's own wishes ranging from desire to forget to desire for revenge, confuse the matter. Intervention by other people only increases

the woman's feeling of having lost control.

In one recent case in Ontario, the woman's boyfriend called the police against her wishes. She ran from the house when they arrived and when she was found several hours later she was physically dragged into a police cruiser and taken in for questioning. In many cases the sexual assault victim tells no one, or tells no one beyond her immediate family.

Julie Brickman in her Winnipeg Rape Incidence study, found that at least one-half of the rape victims and 94% of other sexual assault victims did not report to any professional outsider; 12% of rape victims and 18% of other sexual assault victims told no one at all.37

A medical check for internal injuries or venereal disease is important, but many victims or their families prefer not to let even a doctor know of the assault. Julie Brickman also found that only 12% of rape victims and 11% of sexual assault victims went to a hospital.38 In our study, 110 respondents are known to have sought medical care after the assault. More precise information on 76 victims showed that 7 sought medical aid within an hour, and 51 in all saw a doctor within 24 hours. Replies to another question indicate that about twice as many assault victims went to a hospital instead of a private doctor: 62 and 30 respectively.

For 84 victims who reported on the care they received, the nature of that care varied widely:

24 were treated for injuries and released
36 had forensic evidence collected
26 were tested for venereal disease
21 were tested for pregnancy

Medical Care

Immediate medical response should include attention to physical injuries and the possibility of venereal disease and/or pregnancy. At the very least, a victim should be advised of these facts, and arrangements made for follow-up examination. Too often, women are left uninformed, and proper and complete tests with follow-up as needed are not carried out by medical personnel.

Victims who wish to report the crime to police must first have a forensic or medical evidence examination by a doctor to provide evidence of sexual attack. Particular problems with this kind of medical attention are reported, including delays in administering the tests, lack of proper materials and unfamiliarity with procedures at the hospital.

If pregnancy is a possibility, the victim can consider large doses of estrogen immediately after the attack as a preventative measure. Drugs, known as "morning after pills", are not without their dangers and women therefore need to be given complete information on the drugs available and warned about possible side effects. In our study, pregnancy information was available for 140 cases. Fifty-eight of these ran no risk because of age, infertility or the nature of the attack. Of the remaining 82, 16 or 19.5% had suspected or confirmed pregnancies. The actual rate of pregnancy among victims of rape is that of any other unprotected act of intercourse - around 2%. It is, of course, a myth that pregnancy is not possible from truly unwanted sexual intercourse.

The pregnancy rate of incestual assault victims is higher because of the repeated attacks. Studies reported by Katz and Mazur include a pregnancy rate of 18% for <u>all</u> incest, and 33% when only that incest involving intercourse was considered. One other study indicated 20.6% of daughters and 40.5% of sisters became pregnant as a result of incest.[39]

Increasing difficulty in getting therapeutic abortions is a particularly serious problem for the victims of sexual assault. Women who

live in isolated communities or small towns where there are no hospitals that will do abortions face the added trauma and financial problem of travelling away from home to receive this medical care. For the victim to have to justify her need for an abortion for a board of doctors adds to her emotional strain.

Hospital Care: Emergency wards of hospitals give low priority to sexual assault victims who do not have visible injuries and are not in an obvious state of shock. One recent victim waited at a hospital for eight hours to be examined for forensic evidence while the gynecologist finished his office hours. Many cities have only one hospital prepared to do forensic examinations, and victims reporting to one institution may be sent on to another. An official for one such hospital is quoted as saying the hospital "doesn't encourage" rape victims to come in for examinations because doctors lose too much time when cases get to court. It is hard to believe that victims of other forms of assault are "discouraged" for the same reason.

Many hospitals make no special concessions to sexual assault victims who have to wait in public waiting rooms or are left shut up alone in examination cubicles. It is often "against hospital policy" for someone to wait with the victim before or during a medical examination.

> The only thing I remember is being put in the examining room all by myself and for twenty minutes I sat there on the table. People were walking back and forth, and the longer I had to wait the more nervous I got. I really wanted someone to be with me. I didn't want to be left alone.[40]

Both medical and forensic requirements include an internal pelvic examination. The procedure may be particularly painful after the assault and discomfort is increased by tension, particularly for one who has never had such an examination before. Victims' comments on the pelvic examination in Holmstrom & Burgesse's study included:

> What he was doing was so similar to what just happened... it was too much the same, two times in one night,... I didn't want anyone to look at me; I didn't want anyone to touch me.[41]

Many of the procedures necessary for good medical care after an assault are unpleasant because of their nature but also because of the emotional state of the victim. The extent of her distress will depend on how such care is delivered by medical staff. Care can range from compassionate to brutal and attitudes from sympathetic to hostile. Obvious skepticism about her account or moral judgments about the circumstances of the attack can combine with the often impersonal atmosphere of a hospital to increase the woman's feelings of victimization and alienation.

Ann Burgess and Lynda Holmstrom, authors of The Victim of Rape: Institutional Reactions, who spent a year working closely with the emergency staff at Boston City Hospital counselling victims of sexual assault, report that there is a lack of normal sympathy on the part of the staff who show varying degrees of contempt:

> Much staff energy goes into trying to decide whether a case is 'legitimate'. By legitimate they mean a victim was 'really raped' and that therefore she has a legitimate complaint to make. Staff comments on specific cases included 'It seems legitimate,' 'It's true blue,' 'It seems real,' or 'It's legitimate.' On the more skeptical side they say such things as 'Half of them just don't get paid,' - meaning that victims are just prostitutes who did not get their money.[42]

Negative attitudes toward rape victims are not uncommon among doctors. Some are reluctant to examine victims because of possible future court appearances. Others, instead of providing support, bring an inappropriate moral judgment to bear. A young woman told a Rape Crisis Centre in Ontario during the past year that when she asked a private doctor for some medication to allay her anxiety after a sexual assault which had prevented her from sleeping all week, the doctor informed her that in his opinion "there is a fine line between rape and promiscuity" and refused her any medication.

> While establishment of guilt or innocence is the province of the courts, the trial of the victim often starts in the hospital emergency department where health care workers reach their own verdict ... Ottawa counsellors report instances where physicians have told patients "there is no such thing as rape", during or prior to an examination.[43]

Another gynecologist in Regina made his attitude clear:

> It is unfortunate that rape has become so popular in the minds of the populace. A hospital should not be considered to be a counselling service or haven for the unloved and unwashed.44

There is a general absence of attention to emotional trauma; it may only be dealt with by prescription of tranquilizers. Despite such instances, the women who reported their own comments on medical care in our study were not wholly critical. Of a total of 61 comments, 24 were positive (adequate explanations, good attitudes) 30 were negative (felt harassed, no information given) and there were six "other" comments. However, the counsellors also found that most women had very low expectations of medical care and were not familiar with proper procedures. Most lack sufficient information about sexual assault to make informed decisions about care. Others feel enough guilt and self-hatred to believe they deserve whatever poor treatment they receive.

Police Treatment

The police investigation of the crime has been described as the most harrowing aspect of the experience. Even the essential process of questioning and collection of evidence is difficult for the victim. Questions are asked about minute details, including the assailant characteristics and exact actions, time sequences and precise accounts of the sexual and assaultive acts. The victim may have to repeat her story several times to the same or different people, usually men, soon after the assault and months afterward.

Such questioning is designed not only to collect precise information but to assess the credibility of the witness in a court room situation. The police investigation is the first step to prosecution of the assailant by the Crown, and it is the police who screen out what seem to be false reports or merely shaky evidence.

In the experience of counsellors at Rape Crisis Centres, fewer women than formerly are willing to go to the police to lay charges against an assailant. Information and support in taking this step has been a major

function of the centres. In our survey of 148 victims, 118 went to the police and 30 decided not to. Many victims come to Rape Crisis Centres with the purpose of reporting to police, this ratio is not indicative of an over-all police reporting rate.

Estimated rates for reporting rape to the police range from 1 in 2 to 1 in 20, and 1 in 10 is the widely accepted ratio. Brickman found that rape was reported in 12% of cases studied, and other forms of sexual assault in only 7% of such cases.[45]

Many Rape Crisis Centres across Canada report good relations with police departments, and comment on the support and sensitivity of officers. These attitudes are by no means universal. The extent of co-operation and sympathy depends on the personal attitudes and knowledge of the officers involved, the written and unwritten policies of the departments, and the nature of the crime.

Police Interrogation: Although interrogation of the victim by police is necessary to obtain the relevant information, there have been innumerable examples of questionable methods and discriminatory attitudes. The police appear to believe that large numbers of women lie about sexual assault and must be prevented from pursuing their complaints, a very different attitude from that accorded to other victims of crime.

In the Toronto study by Lorenne Clark and Debra Lewis of police files on reported rape in 1970 (in which 74 of 116 were said to be "unfounded" and were dropped), the researchers concluded that two-thirds of the "unfounded" cases were dismissed for "pragmatic considerations of what the likely outcome would be if such cases proceeded to trial". Of the other one-third of this group, Clark and Lewis concurred in the decision that 12 reports were unfounded, and that "the suspicion arises that in the remaining 12 cases individual police officers viewed the victim and her complaint through their own biased judgment. While no police report demonstrates clear-cut bias, some reports did indicate that police officers share general common

prejudice about 'appropriate' behaviour for women and that these prejudices affect classification of rape reports".[46] It must also be noted that "pragmatic considerations" are based on police perception of the jury's perception of the case, again a screening process based on social attitudes.

Burgess and Holmstrom in their analysis of police reaction to victims construct an "ideal case" from the policeman's point of view. The case would be one in which all the information can be verified, there are police witnesses to the crime, the victim can provide a good description of the assailant, there is supporting medical evidence including sperm and injuries, and the story remains completely consistent through several interrogations. The circumstances would involve a virgin who was sober, emotionally stable, previously minding her own business, forced to accompany the assailant who was unknown to her and who had a long list of previous charges. The victim would be obviously and recognizably upset by the experience.[47]

Few actual cases fit this image of an "ideal" case. Thus, in the interrogation, a victim is subjected to varying degrees of obvious or subtle disbelief, disapproval and harassment. Various judgments about her character, intelligence and moral integrity are made. Prostitutes and young women who, in the opinion of the police, are "promiscuous" are more likely to be treated derisively and to be discouraged from pursuing their complaints.[48]

An alarming trend has shown up in British Columbia and Ontario where victims may be required to submit to a polygraph or lie detector test, which can be applied in an intimidating way. A case involving a 16-year-old girl is reported: after confiding in a social worker that she had run away from home two and a half years previously after being raped by her father, she was taken to the police. During the polygraph test the girl was asked questions such as: "Who were you sleeping with when you were 13½ years old?" "You're pretty popular with the boys, eh?" and "Who are you sleeping with now?"

In addition to harassment through interrogation, some victims report serious delays in police response. Often delays and the lack of immediate forensic tests for the presence of sperm can result in the loss of a case.

> A major problem in some of the isolated areas of British Columbia, is that RCMP night calls are routed through an answering service, a radio phone in a police car, or through the nearest 24-hour RCMP division. Because of this fact, some initial calls are not responded to until the next morning and corroborative evidence may have been 'literally washed away' or the woman may have blocked out aspects of the assault.[49]

The outcome of a police investigation may be the dismissal of charges even in those cases classified as "founded" (or believable). Of the 3 388 rapes reported to police in Canada in 1979, 985 led to a charge being laid. Less than half, even of the "founded" cases, resulted in charges being pressed against an assailant or assailants.

Several Rape Crisis Centres in Ontario report an alarming increase in charges of Public Mischief being brought <u>against the victim</u> who reports a sexual assault and is not believed, or who has decided not to proceed with the case because of the attitudes of the institutional personnel she has encountered.

Men who are the victims of sexual assault have also been badly treated by police. A Rape Crisis Centre reported this case: a young man was sexually assaulted in a parking lot by two men; he was forced to perform anal and oral sex with each of them. After he escaped from his assailants he began to walk toward the police station. He encountered a police cruiser on the way and reported the assault to them. He was laughed at and asked, "What do you want us to do about it? We're busy." The man continued walking and arrived at the police station, by this time hysterical. His story there was received with: "Why are you trying to cause trouble?" He was made to wait one and a half hours before a statement was taken. In the opinion of the Rape Crisis counsellor involved, "the officers couldn't accept the concept of a man being sexually assaulted".

The Court Experience

Court procedures are usually unfamiliar to the victim who therefore must once again experience the stress of a new, unpredictable situation. Some victims report they would not have even considered reporting the assault had they known the subsequent sequence of events. Others felt that while the court appearance was trying, witnessing the judicial process was therapeutic. Some victims did not find testifying difficult; this depended largely on the attitudes and reactions of those about them.

The customary court delays add to the strain experienced; re-trials or appeals may prolong the case several years. The difficulties and trauma of recounting a sexual assault two years later can be imagined.

Because sexual offenses are considered crimes against society, they are tried by the Crown with the victim as a primary witness. Hence she does not have a lawyer of her own but is represented by a Crown Attorney. In one reported case, the attorney was changed in mid-trial and the 12-year-old victim was not even informed. The victim, as witness, may or may not be required to testify. In cases where she is very young, the judge may rule that she need not take the stand. Once on the stand, cross examination by the defense follows. The victim is required to recount and thus, to a degree, relive her story in great detail in front of a roomful of strangers. She is once again in close physical proximity with the assailant and possibly his friends and relatives; this is in itself a frightening experience. Some cases are gruelling. One recent preliminary hearing involved two victims and six assailants. Each assailant had a lawyer; one had two lawyers. All of these questioned the two victims at great length on the specific actions of each assailant.

It is often said that it is the woman herself who is put on trial. This must be the impression in the minds of many victims who must, as witnesses, submit to extensive cross examination, while the accused need not

testify. If it is deemed relevant, the victim's previous sexual history can be questioned and used as evidence against her. The assailant's previous sexual conduct, including convictions for other sex crimes, cannot be introduced as evidence.

The similarities felt between the original sexual assault and the courtroom experience have been described:

> The defense attorney, usually male, occasionally female, becomes the assailant in this new arena. The cross-examination recapitulates, on a psychological level, the original rape. The victim was controlled physically by the assailant during the rape. Now in court during cross-examination she is controlled verbally by the defense lawyer. Previously, her attempts at self-defense were limited by the skills of the defense lawyer. It is he, not she who understands the workings of the courtroom. The rapist's force rendered her physically helpless. The defense lawyer's inquiries may render her verbally helpless. The defense lawyer's questions become weapons. His way of wording questions may make her say the opposite of what she wants to say. Rape and cross-examination both constitute attacks. Both are controlling situations in which the victim is made to do or to say things against her will.[50]

The courtroom setting has been likened to a theatrical performance as various dramatic ploys and verbal tactics are used by the prosecuting and defense attorneys in presenting their cases. A Rape Crisis counsellor who regularly accompanies victims to court says: "You can't possibly imagine it unless you've been there. It's like every B-grade movie you've ever seen, every cliché you've ever heard ....".

The victim may feel very much alone and unsupported in a predominantly hostile or impersonal situation. An Ontario case during the past year involved a teenage girl who was put in a tiny room adjacent to the courtroom during all recesses, because she "might discuss the case with someone". At one point during cross examination she broke down and was removed to the room to compose herself. Even her mother wasn't allowed in to comfort her. A courtroom official said this "wasn't unusual in a rape case".

Convictions and Sentences: The disposition of sexual assault cases reflects the police and court procedures we have described. The figures in 1971* in

Canada for 2 107 reported rapes are as follows:

only 1 230 were declared "founded" by the police
only 119 accused persons were charged
only 65 of the accused were convicted of rape or a lesser charge

* Conviction rates for subsequent years are not available.

Clark and Lewis report an average conviction rate for all sexual offenses of 51.2% (of those brought to court) in 1971, when the overall conviction rate for criminal offenses was 86%.[51]

Little information on court experience was available in our study, as so few cases get to court, or continue to involve the rape crisis counsellor through the process but taking into account the large numbers of unreported cases, it is estimated that possibly less than 5% of all assailants currently are convicted.

Sentencing often does not reflect the seriousness of the crime. The following figures are quoted from Rape in British Columbia by Nancy Goldsberry:

Of 103 convictions in British Columbia in 1973 for rape:

2 were suspended without probation
34 were suspended with probation
9 were fined
21 were jailed for under 1 year
19 received 1-2 year jail terms
11 received 2-5 year prison sentences
7 received 5-10 year prison sentences
1 received a 10-14 year prison sentence[52]

(The average sentence for a rape conviction in Canada is 2-3 years)

Institutional Response to Sexual Assault: Many mistaken beliefs about sexual assault that flourish in the minds of the general public can also be found in

the major institutions that deal with its victims. After all, the people who work in these institutions are not immune to the prevailing misconceptions. The attitudes of medical, law enforcement and legal personnel show how entrenched such ideas are. The particular danger of strong institutional bias is that it crucially affects the lives of the victims of sexual assault and results in the screening out of all but a handful of assailants from whom to exact retribution. The extent of sexual assault is thereby misrepresented and popular myths concerning it are perpetuated.

SECTION V THE LAW

One of the most illuminating sources of knowledge about social attitudes to sexual assault is found in a study of the law.

Historical Background

Rape law originated as an attempt to ensure the protection of women as the property of a sole owner. Virginity and chastity were prized by those owners, largely as insurance that their land and wealth could be passed on to legitimate heirs. According to Susan Brownmiller, author of Against Our Will: Men, Women and Rape, rape law (the original meaning of rape was "to steal") was introduced to deal with bride capture, in which a man acquired a bride by raping and abducting a virgin, thereby establishing his right of ownership and avoiding the payment of a bride price to the father.

Under Babylonian law, the rape of a virgin was punishable by death; the girl was considered guiltless. But a married woman who was raped shared the guilt of adultery with her attacker, no matter what the circumstances, and was also put to death. A woman's virginity was of supreme value. Hence, in Hebrew culture, if an unbetrothed woman was raped inside the walls of the city and could have done nothing to defend herself, she was considered guiltless but considerably devalued. Retribution was made to her father for his loss through payment of the bride-price by the assailant, and his marriage to the victim.

If, however, she was already betrothed, it was a far more serious matter.

> No civil exchange of money or goods could be countenanced, for not only was the original betrothal null and void, but the house of the father had suffered an irreparable blow to its honor. In this singular instance, the incautious rapist was stoned to death while

> the girl went unpunished, to be sold at a markdown to one who might have her.[53]

Rape was not a crime against the woman at all, but against those men, her father or her betrothed, whose interests in her were at stake. She was however held responsible for trying to preserve her virginity under the threat of death. Eventually, under Jewish law, women began to gain some independence. A woman deemed by the elders to be a "bona fide" virgin could collect the reparation herself and was not required to marry the rapist. However she would not be deemed "bona fide" if she displayed any "sexual eagerness" or if her complicity was in any way suspected. In that case, she deserved no reparation and was lowered to the status of slave.

A form of bride capture continued to pose a problem in medieval England where propertied heiresses were abducted and married by property-hungry knights. Trial was by ordeal and the sentence was death, pardonable by marriage if the victim so desired. Brownmiller comments that she "so desired" if her family considered it economically advantageous to join the two families. The penalty for heiress-stealing was eventually lessened to blinding and castration. Brownmiller stresses that throughout this time "the law that evolved was feudal class law, designed to protect the nobleman's interest".[54] Rape of non-propertied virgins, nuns, widows, concubines, etc., was given credence as a crime, but convictions seem to have been rare and penalties are not specifically stated in the history books.

The Statute of Westminster in 1275 is considered a great advance in the codification of rape law, and a direct ancestor of present-day law. For the first time, statutory rape (sexual intercourse with children with or without their "consent"), equal treatment of rapists of virgins and married women, and rape as a crime against the state were included in the law. However, provision for a lesser charge left the way open to implicate the woman in the crime.

> ... Westminster also saw fit to legislate a definition of lesser ravishment, a sort of misdemeanor, applicable in cases where it could be argued that a wife did not object strenuously enough to her

> own 'defilement'. The aggrieved party in these cases was the husband, and the wife was peremptorily stripped of her dower. Within a marriage, the theory went - and still goes - that there could be no such crime as rape by a husband since a wife's consent to her husband was a permanent part of the marriage vows and could not be withdrawn.[55]

Even today reflections of the attitude towards women as the property of men, with only secondary rights of their own, and the concept of virginity and chastity as the standard of value for women, are apparent in the law.

In Canada the crime of sexual assault is covered in a section of the Criminal Code. Serious attempts at reform have been made in recent years.

Current Law

Part IV of the Criminal Code now deals with sexual assault under Sexual Offenses, Public Morals and Disorderly Conduct. Various crimes are defined and various penalties provided.

The most serious crime is described as rape. The concept of depriving a girl of her virginity or "defiling" a respectable married woman retains its original force. The act, committed by a man against a woman outside marriage, involves penetration, however slight, of a vagina by a penis, without the consent of the woman. If she consented, the man is not to blame; she must be able to prove she resisted and withheld consent. Force or threats to her bodily safety support her claim. The rape may have been perpetrated by a man impersonating her husband, or representing the act as something other than it was, as in the case of prescribing sexual intercourse as a form of therapy. A conviction on a rape charge carries a maximum penalty of life imprisonment (the maximum is virtually never given).

The Criminal Code describes other forms of sexual assault which all carry lesser penalties. "Indecent assault" is separated into attacks on women, with a maximum penalty of five years (Section 149), and attacks on men,

with a maximum of ten years (Section 156). "Indecent assault" includes oral sexual contact, fellatio and cunnilingus, or insertion of objects into a vagina or anus without consent: these acts are totally prohibited only in cases involving those under 21. Anal intercourse, or buggery, is a totally prohibited act with a maximum 14-year sentence.

Consent ceases to be a factor in sections referring to children. Sexual acts involving boys or girls under the age of fourteen are totally prohibited on the grounds that young people do not have the experience or ability to give informed consent. Any sexual intercourse with the feeble minded is prohibited (Section 148) and so, in an antiquated section, is the seduction of female passengers on vessels (Section 154).

Not only is consent stressed in the law, but some sections still introduce the qualification that only a young woman "of previously chaste character" is an innocent victim. Sexual intercourse with girls between the age of 14 and 16 is a crime if they were previously chaste and "not more to blame than the accused" (Section 146-2); and seduction of previously chaste women between the ages of 16 and 18 is also a crime. Chaste in these cases means virginal.

Inadequacies in the Law: As the above examples illustrate, the law governing sexual offenses contains many archaic and discriminatory passages. Rather than focusing on the assaultive aspects of crimes involving unwanted sexual contact, the section focuses on sexual morals and permissible sexual acts. Non-consensual sexual contacts are first and foremost assaults and should be defined by the nature and degree of violence used rather than the kind of sexual contact.

The singling out of vaginal penetration as the worst and only really severe crime in terms of punishment maintains the belief that vaginal penetration is the ultimate degradation. Other forms of brutality, forced oral and anal penetration, and insertion of sticks and bottles into the

vagina, can be equally as injurious.

Sexual assaults on males and females, by males and females, is not given equal weight in the law. That marriage partners can and do sexually assault each another is also not recognized, so that married women do not have equal protection under the law. As the law stands now, the concept that husbands always have sexual access to their wives is codified in the law of the land.

The Issue of Consent: The special emphasis on the issue of consent in sexual offenses has worked to the disadvantage of the victim. The issue of consent insists that in all crimes of sexual assault, proof depends on the victim's reaction rather than on the violent or coercive nature of the crime. This approach accords with the conviction among some males that females are naturally provocative and want to have their objections to sexual contact overcome, by force if necessary. Sympathy is thus frequently shifted from the victim to the accused, who may maintain she consented when, in fact she did not.

In a judgment on June 4, 1980, the Supreme Court of Canada ruled that honest belief in consent on the part of the defendent is a just defense in a rape case. Mr. Justice Dickson declared:

> The facts of life not infrequently impede the drawing of a clear line between consensual and non-consensual intercourse ... it is easy for a man intent upon his own desires to mistake the intentions of a woman or girl who may herself be in two minds about what to do.[56]

The presence or absence of consent is always clear in the mind of the victim, but the onus to ensure that consent exists rests with the assailant. To be intent upon one's own desires is not justification for failing to recognize another's intent. There must be a general recognition that "No" means No, and that the presence of force or coercion negates the possibility of consent. According to such researchers as Clark and Lewis, the use of force or coercion must be the "clear line" in deciding cases of assault.

> In the case of monetary exchanges, the mere presence of physical coercion negates any presumption of consent on the part of the giver and hence makes the issue of consent prima facie irrelevant. Sexual intercourse characterized by the use of or threat of violence is not 'sexual intercourse' at all, where we are taking 'sexual intercourse' to mean 'consensual sexual relations'. It is so vastly different from the latter that it should only be referred to as 'rape'.[57]

Furthermore, lack of resistance cannot be inferred as consent when aggression, threats, or fear of retaliation are a part of the attack.

Prior Sexual Acts: The credibility of the prime witness, the victim herself, has long been a major issue in a rape case. Her credibility is seen to be tied directly to her sexual activities prior to the rape, and to the likelihood of her "consenting" to the sexual act in question.

Until 1976, defense attorneys were under no restrictions in questioning a victim on her sexual history, often in great detail, in an attempt to discredit her as a "loose" woman. Neil Brooks, in Rape and the Laws of Evidence, provides this description of the rationale connecting past sexual actions, credibility, and the issue of consent:

> Many judges permit it (questioning that deals with previous sexual history, which may be objected to as irrelevant) on the ground that the questions are relevant as tending to show the veracity of the victim as a witness. These judges reason that if a victim admits some form of previous sexual contact, it can be inferred that she is a woman of bad moral character. If she is an immoral person then it can be inferred further that she would not have conscientious scruples about lying in the witness box ... This reasoning, based as it is on a casual relationship between sexual conduct and veracity, reflects a rather primitive notion of human behaviour.
>
> The other justification given by judges for permitting this line of questioning is that it is relevant to the issue of consent. The reasoning supported on this ground for admissibility is that if a woman has consented to intercourse in the past then she is the kind of person who consents to intercourse and therefore she probably consented on the occasion in question.[58]

Besides diminishing the woman's credibility in the eyes of the jury, such questions affect the sympathy she receives as a worthy victim because of

general attitudes towards sexually active women.

The Criminal Code paragraph dealing with the use of past sexual conduct as admissible evidence was amended in 1976, but the reform is limited in actual practice. According to the amendment, the sexual experience of the complainant with persons other than the accused can not be brought up in court unless prior notice in writing is given to the complainant and the judge determines in an in-camera hearing that the evidence is "necessary for a just determination of the case".

As he introduced the amendment in 1976, Minister of Justice Mr. Otto Lang said:

> The existing laws do not ensure a fair trial. Indeed, one often wonders whether it is the accused or the victim who is on trial ... Debasing suggestions and innuendo are commonplace at these trials and while I, as Minister of Justice, will be the first to protect the right of the cross-examination, I do not believe that the moral integrity of the complainant is on trial. The trial should concern itself with the incident before the court.[59]

Since the relevance of the questioning is left to the judge, this line of questioning is pursued in court.

But the significance of this reform has been largely negated recently in the Supreme Court. Chief Justice Bora Laskin has stated that if the evidence is deemed admissible, questions can be pursued about the victim's past sexual conduct to disprove her credibility as the witness. The defense lawyer can now try to "disprove denials of past sexual encounters" as a line of defense. The defense is not limited to cross-examination but may also call witnesses to testify concerning the woman's past sexual conduct.[60]

No restrictions have ever been placed on questions concerning the victim's past sexual history with the accused. Despite alarming increases in the number of sexual assaults, the current legal process tends to shield the accused and has produced a series of extremely lenient sentences.

Another reform that has had little effect on actual practice has to

do with corroboration. Until 1976, judges were required to warn juries of the dangers of convicting on the uncorroborated testimony of the victim (the only criminal charge to which this applied). Though the 1976 amendments deleted the requirement, judges can and still do exercise the prerogative of giving this advice in their closing remarks to the jury.

Changes in the Law

The need for reform of the law governing sexual assault has been apparent since the beginning of the anti-rape movement. Justice for victims of sexual assault will not be achieved until a fair, equitable and realistic law is codified and applied. The unacceptable values present in the law which perpetuate myths about women's sexuality and second-class status must be altered at this fundamental level.

Discussion and criticism of sexual assault law has been a vigorous part of the work of the anti-rape movement. Rape Crisis Centres, women's organizations, the Canadian Advisory Council on the Status of Women and its provincial counterparts, the Law Reform Commission and concerned individuals have all reacted to the obvious inadequacies and faulty concepts of the statute.

In general, the reforms that have been called for are: sexual equality before the law, recognition of the assaultive nature of the crime and more realistic and enforceable penalties.

After much pressure from women, a reform bill (Bill C-52) was introduced in parliament on May 1, 1978, by the then Justice Minister Ronald Basford. The 1978 bill, although it purported to "underline the violent nature of the offense of rape in order to minimize the stigma and trauma experienced by rape victims" did not answer the objections of such groups as the Association of Women and the Law and the Canadian Association of Sexual Assault Centres to the existing legislation. Rape within marriage was limited to situations where the spouses lived apart; the phrasing of "indecent"

assault was retained, and the offenses were left in the section dealing with sexual morals rather than assault. Inclusion of various consensual and non-consensual crimes in the same section deflected the focus from assault and injury.

The Canadian Advisory Council on the Status of Women issued a strong statement on the government bill, one of a series of statements on the subject of rape made by the Council beginning in 1975. An Ottawa conference of representatives from the National Action Committee, Women and the Law, and the Canadian Association of Sexual Assault Centres met to demand action in changing the law; in particular to remove the crime of rape from the Criminal Code as a sexual offense and create a new category of sexual offenses defined by the degree of violence and injury suffered.

Bill C-53: The bill introduced in 1978 was not passed, and a new one was brought forward two-and-a-half years later. On January 12, 1981 Justice Minister Jean Chrétien gave first reading to Bill C-53 which includes revision of sexual offense laws. The bill is a vast improvement over previous proposals and reflects the organized effort over the past several years to re-define this category of crime and propose more suitable penalties.

In Bill C-53, rape, attempted rape and indecent assault are re-defined as types of sexual assault. They are classified primarily as acts of aggression - in which sexual contact is an added component. All sexually aggressive crimes have been included in the Assault Section of the Criminal Code. The bill defines two crimes: sexual assault and aggravated sexual assault, differentiated by the degree of violence and risk to the victim rather than the degree of sexual intimacy. The first level of sexual assault could consist of anything from an unwanted touching to forcible sexual intercourse. But the presence of either a weapon or of serious harm caused in the course of a sexual attack would lead to the more serious charge of aggravated sexual assault.

This approach parallels the more general criminal offenses of assault and assault causing serious bodily harm, which are also differentiated

by the degree of violence employed and the harm resulting to the victim rather than by the kind of attack.

The maximum penalties for assault and assault causing serious bodily harm are five and ten years respectively. The proposed maximum penalties for sexual assault and aggravated sexual assault are ten years and life imprisonment respectively. The higher maximum penalties reflect the added sexual component - the violation of the individual's physical and personal integrity. A violent sexual attack of whatever kind no longer would be considered less serious than a "rape" merely because there was no insertion of the penis into the vagina. Thus the sexual component of these distinct crimes of assault is not ignored, but is seen in a more realistic perspective.

The "Consent Factor": The issue of consent is also tackled in Bill C-53. The definition of consent applicable in regular assault cases is extended to sexual assaults: submission to the threatened or actual application of force would not amount to consent. (Consent is an admissible line of defense in all assault cases.)

The admissibility of evidence concerning the complainant's past sexual history is further limited by Bill C-53: past sexual history can be admitted in only two specific instances. Under the proposed bill, the lawyer for the defense may seek permission to pursue this line of questioning in response to an assertion by the witness regarding her past sexual conduct. The defense may wish to challenge her testimony if she brings it up in the first place. The defense may then pursue the question of her previous sexual history if he has evidence to contradict her. He can also use the questioning if he can persuade the judge that this evidence has a genuine bearing on a chosen line of defense - mistake of fact - which is that the accused genuinely thought she <u>was</u> consenting (due to some previous behaviour) and that he therefore did not have the "guilty intention" which is the basis of a criminal offense. However, this <u>mistake of fact</u> is a restricting and somewhat risky line for the defense to take. To raise such a claim the accused must almost necessarily take the stand and explain why he thought she was consenting based

on "reasonable" grounds. Having appeared on the stand, the accused is subject to cross examination and if he has a past criminal record he is exposing himself to considerable risk.

The defense of mistake of fact claims a lack of intention to commit the crime and is applicable to all criminal offenses. An analogy is the case where someone takes something that he thinks, erroneously, is his own and therefore does not intend to steal. The scope of this defense is also dealt with in Bill C-53. If the accused honestly, although stupidly, believed there was consent when there was none, he may be acquitted. Nonetheless, the unreasonableness of his alleged belief will be a major hurdle to overcome in his attempt to convince the jury that he is telling the truth in his assertion that he really did think that the victim was consenting.

The response of some women's groups to this last vestige of the "consent factor" has been to protest its inclusion, fearing that sympathy for a man accused by a complainant who is not a virgin will still influence the jury's decision. Others, such as the National Association of Women and the Law[61], contend that those who make unreasonable mistakes but who nonetheless make them honestly should not be convicted of crimes they honestly did not intend to commit. They point out that the defense of honest mistake of fact is a positive belief. It is not enough for the accused to say that he didn't know whether or not she was consenting, that he didn't bother to find out. He must be able to say that he actually believed she was consenting, based on facts he can present.

Assault Within Marriage: The new offenses of sexual assault and aggravated sexual assault would apply to both male and female offenders and victims. Both men and women can be charged with the offenses and both men and women victims are included in each category without distinction as to penalties. Husbands and wives can be charged for offenses against each other. The husband's exemption from prosecution for forcible sexual intercourse with his wife would finally be abolished; a significant gain in legal status for the married women of Canada, and a long overdue recognition of their right to protection from attack by their husbands.

The reaction of certain Christian fundamentalist groups to this section of Bill C-53 as an attack on the integrity of the family (their argument being that a husband's right of sexual access to his wife is necessary for the survival of the family unit) reveals the continuing and deep-seated resistance in some segments of Canadian society to a woman's right to control her own sexuality.

A Step Forward: The Canadian Advisory Council on the Status of Women, the National Action Committee, the National Association of Women and the Law and the Canadian Association of Sexual Assault Centres have generally reacted favourably to Bill C-53 as reflecting in large measure their concerns about the present law. While reserving their right to make specific proposals at the committee stage to further improve the bill, they have nonetheless hailed it as a major step forward in women's struggle to bring rape law into the twentieth century.

Particular criticisms brought forward by some Rape Crisis Centres include the fact that sexual assault is not explicitly defined in the law, so will be determined by case law. Supposedly any assault with a "sexual connotation" would apply, but since sexual assault is a new concept which will cover everything from touching to penetration, problems of definition could result.

Two categories of assault are thought to be inadequate to cover the range of attacks taking place. Because aggravated sexual assault, the most serious offense, covers crimes in which a weapon is used or <u>serious</u> bodily harm results, only the most physically severe crimes will be so classified. All other sexual assaults, those not involving a weapon and inflicting less than serious physical harm even though the victim may be beaten, subjected to repeated degrading acts or several assailants, will be tried in the same category as fondling or touching of breasts or buttocks. Since a maximum penalty is rare in sexual crime trials, assailants for even serious crimes in this category would get less than 10 years. Several women's groups recommend at least one more category of sexual assault so that the severity of the crime

can be measured more justly.

Sexual Exploitation of Young People: Bill C-53 also proposes several amendments to the sections of the Criminal Code dealing with the sexual exploitation of young persons. The issue of statutory rape or non-forcible sexual intercourse with young persons under the age of 16 (consent is not an issue) is broadened to prohibit any kind of "sexual misconduct" with children. If the child is under the age of 14 and the accused is at least three years older, any type of sexual activity is prohibited. If the child is between the ages of 14 and 16, the accused (who must be at least three years older to be charged) may still raise the defense that he or she is "less responsible" for the sexual misconduct than the alleged victim.

The present section which limits protection from sexual exploitation to victims who are female persons of previously chaste character would be deleted by the proposed amendments. These new amendments will broaden the protection for both young boys and young girls.

However, a proposed new section dealing with sexual misconduct among young persons introduces some problems. There is no definition of "sexual misconduct". Yet this section would make it a crime for parents or guardians to permit their children under the age of 16 to engage in "sexual misconduct" with other children or even with themselves. Critics suggest that this section amounts to legislating morality and not criminal activity since there is no issue here of exploitation of children by adults, which is covered by other sections of the Bill. They point out that if the issue is the fitness of parents there are adequate civil procedures under Child Welfare Acts to deal with this problem. Without a definition of what constitutes sexual misconduct among children, this section leaves it up to individual judges to pass judgment on a parent's handling of the sexual activities of his or her children.

While the amendments proposed by Chrétien are thought to be progressive in providing better justice for victims of sexual assault, they

are encountering some opposition. Some prosecuting attorneys are predicting increased difficulty in obtaining convictions for newly created offenses and argue that rape is an easily understood concept for most juries (one could argue that juries "understand" rape in their own minds, but this understanding has been far from accurate). Defense attorneys believe the amendments limit the scope for mounting a defense (though they provide equal opportunities for defense in other criminal charges). Opposition to new provisions, such as removal of spousal immunity, comes from groups and individuals who focus on the moral aspects of the sexual component of the crime, rather than the assault.

Further opposition comes from individual women who believe removal of rape from the Criminal Code will work to the disadvantage of sexual assault victims and women in general. Leah Cohen and Connie Backhouse[62] believe that rape can't, and shouldn't, be desexualized since it is a particular kind of crime very different from assault. They feel that by reclassifying rape as an assault the severity of the crime will be diminished. However, the majority of women concerned with the issue of amending this law believe the seriousness of the crime will be upheld in adopting sexual assault as a term while the stigma of the word rape will be removed. The particular sexual nature of the crime will remain, since sexual assaults are distinct crimes carrying more severe penalties than regular assaults.

The proposed changes are a step forward in defining the nature of sexual attack; their application in trial procedures and the number of convictions resulting will prove their worth. Changes in attitudes will come more slowly, and a difficult transition period must be expected. Reform of the law is only one part of the process.

SECTION VI A WIDER PERSPECTIVE

In the last several years a great deal of research and writing has been done to refute the myths and misconceptions surrounding sexual assault. Rape Crisis Centres have been active across the country in promoting change, and new programs to deal with victims are being developed. The public might assume that things have vastly changed, that a victim can now count on just treatment by society and by the courts.

Actually, a victim of sexual assault now, compared to any time before 1970, does not receive substantially better treatment except that now, if she looks hard enough, she may find sympathetic people to talk to. The act itself is of course as traumatic as ever. The procedure afterwards is still an ordeal, made more painful by a misinformed public.

Sexual assault in today's world is still seen differently from other crimes. In other violent attacks and natural disasters, victims are worthy of sympathy unless proven otherwise. In sexual assault the assumption is the opposite: that the victim is to blame, and the assailant may be the sympathetic figure, maliciously and falsely accused. Most other violent crimes come under a straight-forward code of right and wrong: everyone has a right to remain unmolested; it is wrong to attack another person. This is not so when the crime is one of sexual assault.

The contradiction arises from longstanding religious and cultural beliefs which have always linked morality with sexual conduct. Women are seen as sexual temptresses deserving "punishment". Thus the immediate response to a rape is to the sexual component only, and it evokes a moral judgment that usually blames the woman before the man.

Let us examine some of the beliefs that allow men to sexually assault women and other men to see whether these same beliefs also provide justification for public attitudes and treatment of victims and offenders.

It may be that sexual assault can be seen not as an individual deviation, but as an inevitable outcome of our cultural beliefs: the common myths about sexual assault demonstrate existing attitudes.

Myth - The Victim Enjoyed Being Raped

Sexual assault is viewed as sexual activity, maybe not mutually agreed on, but potentially pleasurable nonetheless. The major factors, lack of consent and the potential for violence are down-played. The most insidious remark along this line is of the "relax and enjoy it" variety.

There is a belief that sexual activity, even with force or violence (maybe particularly so) is still pleasurable. The initial reluctance is supposed to be overcome by eventual excitement and pleasure. A rapist himself in the act of forced intercourse often asks if the victim is "enjoying it", or if he is a "good lover" and if the victim has had an orgasm.

In fact, a rape or other sexual assault is invariably perceived by the victim as an unwanted, uncalled-for attack on her body.

Myth - The Victim Was Asking For It

Both assailants and other people believe that women invite sexual assault by dress or behaviour. Sexual assault is seen as a means of sexual contact which women want even though they say "no". Therefore, force can be used to give women what they really want, or to punish "teasing" women.

It is widely believed that many victims desire sexual contact and only afterwards, as a cover-up, call it rape. The question of force is again down-played, or the situation is blamed on a mysterious psychological urge on the part of the woman to be mistreated. Many rapists believe they are releasing their victims from sexual inhibitions, that the woman wanted to say

yes all along. This belief applies even to extremely young girls - as young as seven - who are accused of being "enticing" or "provocative" towards adults. An American judge illustrates this view:

> Madison, Wis.: When a 15-year-old boy raped a girl in a stairwell at West High School, Judge Archie Simonson ruled, he was reacting 'normally' to prevalent sexual permissiveness and women's provocative clothing.
>
> The judge decreed that the youth who was ruled a delinquent ... should be permitted to stay at home under court supervision rather than be placed in an institution or other rehabilitation center.[63]
>
> (The girl in question was wearing tennis shoes, blue jeans and a blouse over a turtleneck sweater.)[64]

And so may researchers. Menachim Amir, a major American researcher on the subject of rape, developed a theory of "victim precipitation", basing much of his research on a sample of "victim-precipitated" sexual assaults, which he selected from Philadelphia police files of 1958 and 1960. He devised the following definition to select the cases: "those rape situations in which the victim actually or so it was deemed, agreed to sexual relations but retracted before the actual act, or did not react strongly enough when the suggestion was made by the offender(s)."[65] Consent was "deemed" by the offender, not by the victim, in these selected cases. Amir added that there was a lack of "concrete information" in the files to support his hypothesis, which was based on his perception of the victim's actions.

The underlying belief is that women are primarily sexual beings, but use devious methods to achieve sexual contact. A wide array of "signals" interpreted by others and applied to all women in all situations is used to provide a justification for men to force sexual contact and for other people to blame the victim.

Myth - She Could Have Avoided Rape

There are people who refuse to believe that sexual assault exists. They argue that a person who sincerely does not want sexual contact can always

avoid it, either by not putting herself in a dangerous situation or by fighting back. This belief results from considerable ignorance about the actual circumstances of such assaults, ignorance that may be in part defensive in people who refuse to believe in anything strongly threatening or upsetting.

If a woman finds herself in a situation that turns into a sexual assault, she is blamed for having been in a socially "dangerous" position which she should have stayed away from. This may be said if the woman spoke to her future assailant in a bar, went out with him on a date, or accepted a ride home. The same kind of social reproach has in other times been applied to women who went shopping unchaperoned, or spoke to someone without having been introduced. In many people's minds, including potential rapists', participation in any social interaction can be interpreted as a sexual invitation.

Sex and Violence

There is a subtle acceptance of the idea that sexuality has a normally aggressive component, and that it is natural for males to be the dominant forceful participants, while women are naturally submissive and malleable.

Traditionally, men have controlled and defined situations, particularly physical or sexual ones with women. The responsibility for interpreting response and initiating action gives men the power to define and control sexuality, including sexual assault. This approach denies the basic right of any individual to remain in control of an interaction. The onus to respect this right rests with the aggressor, regardless of the previous actions of either party; women have the right to say "no" <u>at any point</u>, including sexual foreplay.

Eugene Kanin studied "male sex aggression" among college students, finding that of 341 males interviewed 25.5% reported at least one sexually aggressive episode while in college. Sex aggression in this study was defined

as "aggressive male attempts for coitus which were forceful to the degree of being disagreeable and offensive to the female ... they are not sufficiently violent to be thought of as rape attempts".[66]

Not only was "male sex aggression" found to be quite common in college (one in four males self-defined their aggression), they are not considered by the researcher to be rape. These situations, though reportedly forceful, disagreeable and offensive, were not "violent", so are not considered sexual assault. Such episodes are explained by Kanin as showing a "lack of ... sophistication" and "mixed messages" on the part of college students. Force is acceptable in sexual relations.

Research has been done to try to distinguish personality characteristics of men who rape by comparing convicted sex offenders with a control group of men in the community. Both groups were found to be psychologically normal, except for a slightly higher tendency towards aggressive behaviour on the convicted rapists' part.[67]

There are two points of interest here. The similarities of both groups implies that motivations, values etc., of men in general do not vary greatly from men who are convicted of sexual assault, except in the degree of aggression. Unconvicted assailants may be free for a variety of other reasons of course, including using less violent or coercive means, to achieve sex by force.

Clark and Lewis, analysts of sexual assault, say this:

> What the social scientists have given us is an insight that the rapist is no different from other heterosexual males whose chosen sexual objects are women. But, they have also given us a rather revealing picture of what they accept as a "normal" heterosexual male. If a marked hostility towards women is not enough to denote mental illness - to distinguish an abnormal male personality from a normal one - then obviously a certain degree of hostility towards women is considered to be well within normal limits.[68]

An organized contempt for women in general, or for particularly "bad" women justifies in many people's minds their mistreatment. In many

cases of sexual assault, the victim is not seen worthy of human treatment.

The "Nature" of Woman

A study of police files for 1970 in Toronto showed the characteristics of the complainant who would probably not, in the policeman's estimation, have a legitimate case of rape:

> ... She may be perceived as 'drunk' when she is first interviewed by police. She may be a teenager who does not live at home, has a record of 'unmanageable' behaviour, or has already come to the attention of school authorities, the Children's Aid Society, or the Juvenile Court. Or she may be between thirty and forty years of age, and either divorced or living in a common-law relationship ... she may have 'known' the offender, she may have voluntarily accompanied her assailant to his residence and been raped there, or she may have voluntarily accepted a ride in his car.[69]

"Real" rapes are narrowly defined to include only those women who have not overstepped the bounds of acceptable female behaviour. A report put out by the Ontario Provincial Police in December 1978, states that: "with the exception of 29% of the rape offenses, or rape offenses that were unprovoked, the victims showed a great lack of discretion. Promiscuity was a predominant factor".[70]

Sexual assault then, in a large majority of cases, was considered by the police to be not a deviant or socially unacceptable act, but a reasonable consequence of improper female behaviour. "She must have led him on", is the usual comment.

The sexual nature of women has been defined and stereotyped by men for a very long time to the point where sexual images of women are ingrained in legal, social, and religious beliefs. Often the total role of women is defined in terms of her sexual role in relation to men: either sexless or oversexed, the Virgin or the Whore.

A Virgin is one who protects and keeps her chastity, or if not chaste in modern times, is respectable and faithful to one male partner. Sex is an expression of love rather than pleasure for its own sake. She doesn't pick up men, flirt, or wear provocative clothing. The sexually respectable woman is revered as a paragon of virtue, but can also be put down as a prude or resented for representing purity.

The Whore represents the antithesis of sexual virtue, is immoral in that she is actively sexual, seeks out sexual encounters for their own sake and is not necessarily monogamous or faithful. She is considered to be "indiscriminate" in her choice of men, flaunts her body, has little modesty or morality. She is unfaithful, therefore untrustworthy. Her "sexual" nature permeates her whole personality. Sexually active women are still called promiscuous, the sexual revolution notwithstanding.

When the nature of woman is so easily classified as either good or evil, acceptable behaviour is also narrowly defined. Once a woman is seen to have given up the protected status of virgin, there is no turning back. No matter what her desires in a particular situation, she has permanently given up any rights to sympathy.

Attitudes to sexuality survive from a time when women had no identity at all, separate from husband or father. Clark and Lewis, in Rape: The Price of Coercive Sexuality provide a detailed analysis of women as the property of men, and show how this relates to our concept of sexual assault. Because women evolved as a form of private property, sexual intercourse with a woman belonging to another man was a trespass against his property rights. Seriousness of the crime was judged by the economic status of the victim's family (hence rape in the upper classes was punishable, rape in the lower classes or amongst common people was of less consequence). Since the value of women was based on their sexual purity, this too was a consideration in the seriousness of the offense. Women who were lax in the guardianship of their value were, and are still considered outside of the protection of the law.[71]

Hence the sexual assault of a virgin or another man's wife is seen as a legitimate rape (or theft), and sexual assault within marriage, where male rights reign, is not against the law. Fathers often believe in their right of sexual access to their daughters as part of their property rights.

If such a hierarchy of sexual status exists, then men compete for women of high status and women, used thus as commodities, are encouraged to use their sexual assets to bargain for economic and emotional security. Men with fewer assets with which to bargain, are forced to "steal" sexual favors that are ego-enhancing. Sex with prostitutes does not serve the purpose because "anybody can get that kind of sex". Clarke and Lewis propose this theory as an extension of women as property to explain rape as the most extreme aspect of the coercive nature of sexual relations. Competition and status-seeking are definite values of this society as in the right to "take what you can get" on an unspoken level.

The polarization of male and female sexual roles over time, and the competitive nature of sexuality has increased. Men are allowed to pursue sex openly and directly. Women are expected to maintain "virtue", re-defined for modern times. Put on a pedestal of moral and sexual superiority, women are subject to be resented and despised as a judgment against (male) sexual desire. Conquering or overcoming women's sexual resistance is a way to bring them down; to best the aggressor. Yet once bested, women are held in contempt and derided for their "weakness". Sexual activity whether voluntary or not, is seen as demeaning to women.

Women are caught in the double-bind of the so-called sexual revolution. Still penalized for over-stepping the male - defined boundaries of their sexual freedom, they are pressured to be "less inhibited" and sexually free, to take more risks associated with being seen as sexually available. Women can't say "no" effectively without the very real threat of force being used against them, and they can't say "yes" without permanently losing future rights to say "no".

Male Roles and Power

The desired male role in sexual relations as in other situations is to dominate and be assertive. Men are pressured to initiate and direct the course of sexual encounters as a part of the definition of their manhood. Very often assertion becomes aggression to some degree. To force a woman to have sexual relations can, for some men, become a means of proving their masculinity and dominance over women. It can be a way of acting out frustration and hostility towards the world, women in general, or a particular woman. Or it can be a way of making sexual contact with no regard for the other party.

In the hierarchy of power in our social structure those with more power can exercise their will over those less powerful - women, children, or less powerful men.

Sexual assaults on males follow the same pattern as male assaults on females. In these instances, the male victims take on, or are perceived to have, the powerless, contemptible role of their female counterparts, and are therefore, like women, appropriate targets for aggression or sexual services.

In his book, Men Who Rape, N.A. Groth quotes:

> I'd picked up a hustler, but this didn't satisfy me because he wasn't who I really wanted - this was like having to settle for something less than I wanted. I'm feeling that if I proposition the guy that I really want to be with, it would be total rejection and then the other feelings I have would come out: the anger at being rejected. That's what happened in this case. I really did a number on the hustler. I was vicious. I beat him up, tied him and raped him.[72]

The most common setting for sexual assault of males is within the prison setting. A prison community could be considered an exaggerated replica of the more negative dynamics of society as a whole. Tension, alienation, aggression and a lack of real power produce a situation in which sexual

assault flourishes in a parody of male/female roles. In the absence of women, certain men take women's position in the structure. In a strict hierarchy of power within the prison "society", inmates compete for and take sexual servicing from the less powerful members of the community who in turn seek the protection of exclusive sexual rights with one man.

Maureen Saylor, director of the Sex Offender Program in Oregon's Western State Prison sums up the role of the rapist in the overall picture:

> Rapists are the actors-out of the male cultural value system - of the cultural value system as a whole I think. They're the tip of the iceberg. They're an exaggeration of what I believe is the masculine mystique - for lack of a better phrase - that men must at all time and in all places be competent. And when they find that they fall short of this, because of personality dynamics of these particular people, they choose to act in a way that makes them feel superior, feel masculine.[73]

The Role of the Media

The various factors that precipitate sexual assault and the current attitudes surrounding it may be products of our social system and its values. Society's attitudes towards women, sexuality and power may encourage increasing aggression. The acceptance of behaviour which is condemned in theory, leads to the trauma so frequently experienced by victims who are shocked to discover that sexual assault is condoned, sometimes obviously, sometimes subtly.

Sexual assault is condoned in our acceptance of a double-standard of sexual behaviour and an acceptance of violence against women. The process involved in laying a charge of sexual assault and the alarmingly small number of convictions also indicates that society is prepared to condone it.

Popular images of women projected by the mass media encourage fantasies of sexual assault. For example, the sexual stereotype of women in advertising has been particularly offensive. In postures and actions of

submission and seduction, women's bodies are used to sell a wide array of products. The implied message is that buying the product means success in "getting the woman" (always high status). The advertisements "sell" a coveted life style: the good life so common in television and magazine advertisements for liquor and cigarettes presents leisure, affluence and beautiful women as a package deal of success.

After sexual availability comes sexual servitude. Willing women are portrayed physically submissive and enslaved to men. Images include men and scantily clad women in master/slave roles. The scene often contains an element of real or threatened violence, the worst example being the Rolling Stone ad in which a woman covered in bruises, cowers between the legs of an oversize man. The caption says: "I'm black and blue from the Rolling Stones and I love it."

Images of women as objects of violence are more and more common, especially in advertising directed towards young men. Even more alarming is the implied or stated message that women enjoy such treatment and submit to it willingly. The same message appears in popular music, movies and T.V.

Trends in present-day pornography are towards the eroticization of pain and humiliation of women. A recent article in Ms magazine (February 1980) reports on a tour and slide show organized by women opposed to such pornography. A spokesperson (a member of Women Against Pornography) stated that 50% of the books and movies in Times Square pornography establishments deal with "incest, child abuse, bestiality, rape, torture, voyeuristic exploitation of lesbians and other themes outside the realm of standard heterosexual sex".74 Excerpts in this slide show from pornographic movies and magazines include images of women mutilating themselves or being mutilated or beaten.

A society that does not prevent or protest against such imagery is in effect giving a stamp of approval to the views presented. A parallel is frequently drawn to the socially unacceptable portrayal of native people or

other racial groups in submissive or demeaning situations. Yet the depiction of sexual abuse is tolerated. Rather than act as a "safety valve" as many people maintain, violent pornography legitimizes a previously taboo activity and promotes the acting out of such aggression. If pornography itself were a sufficient outlet, we would be enjoying a decline in the number of assaults on women. This is not happening. Violent pornography and assaults against women are both on the increase.

Natalie Shainess, a psycho-analyst quoted in the newsletter of the organization called Women Against Violence in Pornography and Media, in Berkeley, California, expresses the belief that rapists, as the actors of the violent fantasy, are viewing themselves less and less as abnormal.[75]

Judith Reisman, in research on the influence of sex images in the media, sees a connection between the decrease in taboos in pornography specifically against pedophilia and the increase in these activities in the real world. She states that a recent issue of a pornographic magazine had 20 accounts of child sex (children from 8 to 12 years) in its first quarter, followed by material on incest entitled "Home and Family Sex". Reisman sees a parallel between this and the increasingly lower ages of incest victims.[76]

Forms of mass communication such as advertising and pornography cannot be held responsible for creating popular attitudes but do have enormous influence in perpetuating them.

SECTION VII

SEXUAL ASSAULT CRISIS CENTRES: THEIR ROLE IN CANADA

Though group action by women against sexual assault is very new, in the fifteen years since women began to discuss their common experiences a great deal has been accomplished. The network of 40 Crisis Centres across the country which are specifically designed and staffed to help victims of sexual assault has, among other things, decreased the stigma of disgrace, relieved the isolation of the victim and removed the veil of silence about the crime.

The existence of these Centres is a direct result of the consciousness-raising groups of the 1960's where women, for the first time in many decades, gathered together to talk about common experiences. One experience proved to be far more common than anyone had imagined: one woman in four had suffered some form of sexual attack. Sharing the wide variety of experiences, situations and personal characteristics served to dispel the myths about rape that these women, until then, had accepted.

Numerous "speak-outs" on rape in the early 1970's allowed women to tell their stories publicly which provided information about the incidence of the crime and the social attitudes connected with it to a wider audience. Thus began the movement by women against rape, which combines mutual support and collective action against these crimes against women.

Susan Griffin, one of the women involved in this movement puts it succinctly in Rape: The Power of Consciousness:

> It is in the realm of imagination that some of the greatest agonies are suffered: if I imagine myself guilty, even though I am not, I suffer as if I were. And this precisely is the devastation that a legal system and a police procedure which questions the victim as if she were a criminal inflicts ... If on the other hand she does not accept this guilt, she suffers a sense of powerless outrage. Injustice of this order, that authority should blame the one who has been violated, can tear one apart. Especially if there is no one to hear or see this particular crime, or to affirm that injustice has taken place.

> Hence a body of listeners and seers became a part of our movement, an institution. We created rape protection centres. Women sat and listened as another woman who had just been raped told her story. She was heard. And this was the healing of a festering wound, even to those of us who had never been raped, because such is the nature of a community or a movement.[77]

Present Structure

Rape Crisis Centres were opened in the United States and Canada in response to the need for support to victims of rape. From the beginning it was apparent that dealing only with victims on an individual basis was not sufficient. This specific and spontaneous organization of women to provide direct services to victims has been a major result of society's addressing the interest in issues of sexual assault. The centres were equally concerned with short and long term social change in attitudes towards rape. The collective outrage generated by the new awareness of rape prompted the development of centres that were more than social services. For many centres, it became important to be concerned with the related issues of sexist advertising, pornography, and the availability of abortion as a choice in cases of unwanted pregnancy.

The first Canadian centre opened in Toronto in 1974. By 1975, 20 had opened (many had been in the process of opening during the following year). In 1981, there were 41 active Rape Crisis Centres in Canada who are members of the Canadian Association of Sexual Assault Centres. At present there are no centres in Prince Edward Island, Nova Scotia or the Territories. They are distributed as follows:

British Columbia	6
Alberta	2
Saskatchewan	4
Manitoba	3
Ontario	16
Quebec	6
New Brunswick	2
Newfoundland and Labrador	2

(See Appendix for list of addresses of centres in Canada.) There are two regional coalitions, in Ontario and British Columbia. Atlantic, Quebec and Prairie centres meet also regionally as part of the Canadian Association of Sexual Assault Centres, a national body which links centres. Most centres operate independently, but some have affiliated locally with hospitals, other counselling services, or shelters for battered women. Activities that the centres undertake vary somewhat, depending on the resources available, needs of the community, and the focus of the centre.

The majority of the centres are maintained on a volunteer basis operating out of a local office. The average number of volunteers is about 20, but the number ranges from 3 or 4 to 50. Volunteers include students, social workers, women who work at home, professionals, etc. Many are victims of sexual violence themselves; a significant number originally came to the centres as women in crisis. Their involvement varies greatly from a few hours a week to eight hours a day.

Counsellors come to centres with varying levels of skills and are screened and interviewed before and after training sessions which range from 20 to 50 hours followed by a probationary period under supervision. The training includes instruction in crisis theory and the various aspects of sexual assault, and the development of skill in counselling techniques. A "non-professional" attitude of genuine empathy is believed essential to provide the appropriate, unintimidating, one-to-one support that the victim needs.

Funding

Centres offer their services without charge. In some cases, because of lack of staff, a choice has had to be made between the public education function and the counselling service. Very few centres are stable financially; none has assured funding beyond a few years. Several have been

forced to close, either permanently or temporarily, due to lack of funds.

The question of jurisdiction influenced the extent of government support to the centres. The responsibility for care of the victims of sexual assault is fragmented among police departments, hospital emergency wards, and social work counsellors. Various levels of government have disclaimed financial responsibility. Rape Crisis Centres have subsisted mainly on job creation grants from the federal government, always short-term arrangements.

In Ontario, a three-year "demonstration grant" to the provincial Coalition of Rape Crisis Centres (there are 16 centres in Ontario) will provide $485,000 for the period from June 1980 to March 1983. The proposal is that the centres arrange for alternate funding after this period. The contract with the Ontario government permits use of the demonstration grant for staff salaries in only five centres; in the others it must be allocated for operating expenses. The provincial department involved is the Secretariat for Justice.

The Atlantic region is currently served by only four Rape Crisis Centres in St. John's, Fredericton, Moncton and Happy Valley (Labrador). None of the centres receive federal government funding, and only small sums have been provided from municipal or provincial governments. The funding of Rape Crisis Centres has never been a priority for governments in the Atlantic provinces and money available has taken the form of short-term, project-oriented grants. The centres are therefore small and the staffs, lacking volunteer help, are often overworked.

Quebec centres have faced a severe funding crisis in the last two years. After forming a provincial coalition of six centres in 1979, they solicited funds from the Social Affairs Department of the provincial government. They were given $60,000 for the operation of four centres, with verbal assurances for another $60,000 in the near future. Several centres on the verge of closing remained open on the assurance of further grants, in some cases by taking out bank loans to cover operational costs. In December

of 1979 the centres were told that no further money would be made available because the government was not willing to fund "political action". Any monies made available for rape crisis service would be given to transition houses; amalgamation was to be encouraged. Two centres agreed to this integration, in one other case integration was refused by the battered women's shelter. In many cases integration of services has worked to the disadvantage of Rape Crisis. Often the sexual assault focus is lost, and freedom to criticize institutions is curtailed. Integration of women's services has become a mechanism by which less money is made available for women's issues.

The nine Prairie centres receive funding from either their provincial governments or United Way. Manitoba is the only provincial government in the West which has flatly refused to fund Rape Crisis Service. New centres are eligible for federal seed money or local grants. Although funding for Prairie centres is insufficient for maximum operation, at least monies that are granted have been stable. However, in all Rape Crisis Centres, a considerable amount of time and energy must be put into fund-raising. Grants must be re-negotiated or applied for on a yearly basis, and local fund-raising events such as lotteries and benefits take a good deal of organizational work.

Funding from a government body or a United Way organization cannot be used for political action so that centres must continually review their activities in relation to the sources of funding and this often interferes with their anti-rape work.

Federal seed grants (job creation or development grants available to new groups or for specific projects) have long been a source of revenue for Rape Crisis Centres. These grants fund projects and create short-term jobs but are inadequate to finance the operations of centres. Because they are short-term and specific, they make long-term planning difficult and are unreliable sources of income. Unfortunately many centres have had few alternatives to these grants.

In British Columbia, provincial funding is given to Rape Crisis Centres through the B.C. Coalition of Rape Crisis Centres. Formation of the

Coalition as an allocation body was a prerequisite to funding of the centres. In 1977, $125,000 was provided for three centres and this has only increased to $185,000 for five centres in 1980 so that allocations to each centre has decreased yearly. Support for new centres in the province is not provided. Centres also receive some local funding: city and municipal grants and local donations. Again, government is only willing to fund the service component in sexual assault, rather than the work necessary to promote social change. B.C. centres have felt that the public actions they have taken in response to sexual assault have put their funds in jeopardy. Government funding requires accountability in the form of reports. Justifying funding and problems have arisen in B.C. in connection with access by the government to Rape Crisis Centres confidential files.

Rape Crisis Centres face funding problems in varying degrees across the country. Several centres have closed in the past 3 years for lack of funds, and at least four will face that crisis in the coming year. No centre has been assured of future funding so most centres must spend a considerable amount of staff and volunteer time continuing to solicit funds for operation. This time is taken away from their counselling and educational functions.

The Work of the Centres

Counselling: For those centres that are able to maintain direct service, the operation of a twenty-four-hour crisis line is the most common means of making contact with victims. In our study of 513 cases, 70% were dealt with over the phone as a one-time contact; 30% involved on-going contact, face-to-face counselling, and accompaniment to court or hospital.

Contact may be with other people or agencies as well as or sometimes instead of with the victim. In 513 cases, a total of 594 contacts were made offering information or assistance:

Contact with:	
victim	290
family, partner, spouse	98
boyfriend, girlfriend, friend, co-worker	74
police	18
hospital or other medical personnel	11
other agency	26
other (another victim's family, etc.)	34
	594

The crisis line at the centre offers immediate and confidential support to victims and their families and friends; information on medical, legal and psychological aspects of sexual assault and referrals to sympathetic doctors, emergency wards, other counsellors and lawyers. Many centres advertise immediate advocacy - a counsellor will accompany the caller through hospital, police and court procedures to provide whatever support and explanation of procedures he or she may need. The decision to report an offense and seek assistance must be made by the victim; the counsellors provide accurate information on the alternatives available but try never to influence the victim's decision.

Often the counsellor handles calls initiated not only by the victim but by friends, spouses and relatives who need to talk through their own feelings about the assault, or by other agency counsellors who are dealing with a victim but may have had little training or experience in this field.

From 504 cases, 864 requests for specific help were recorded. Psychological or emotional support was requested 266 times, 131 people requested counselling, 112 contacts wanted information regarding police or medical rights, 152 calls were made by third parties seeking general assistance in dealing with a sexual assault victim.

Not infrequently there are requests from women and men who were assaulted weeks, months or years before and still need to talk through their feelings and the subsequent effects of the assault. However, the majority of calls comes immediately after the assault. In 388 instances, one-half (52.4%) were made within a week; three-quarters (72.5%) within six months. But 86, or

22.1% of the calls sought assistance in dealing with an assault that had occurred at least one year before. In 23 of 192 cases, the Rape Crisis Centre counsellor was the "first report", or the first person told of the assault. A family member was first report in 59, or 30.6% of these cases, while the police were first report in 21 or 11%.

Most centres do face-to-face counselling with victims and family and friends who desire it. The philosophy of crisis and face-to-face counselling as practised by rape crisis counsellors is that empathy, support and ventilation of feelings are the primary needs of victims of crisis. An understanding of crisis theory and the dynamics of sexual assault coupled with skill development and training in counselling techniques gives the crisis counsellor adequate knowledge to work with victims. In fact non-professionalism is stressed as providing the unintimidating one-to-one, usually woman-to-woman support, that the victim needs.

Public Education: Public education is regarded as the second major function of the centres. It is believed that attitudes will only change as more people are confronted with the reality of sexual assault and are convinced of its seriousness. Speakers from the centres address many groups, from univeristy classes to service clubs. The basic approach to public education work is reflected in the preamble to the Canadian Association of Sexual Assault Centres' Constitution:

> We recognize that, although sexual assault can and does happen to all people regardless of age or sex, women are the primary victims of sexual assault. We believe sexual assault to be an act of domination, violence and aggression perpetrated through forced physical intimacy against a woman's will and without her consent ... In a society which maintains inequalities between its male members and its female members, coercive sexuality and violence against women are enforced.[78]

Rape Crisis workers at the regional and national level conduct seminars, training sessions and workshops with various professional groups: hospital emergency ward personnel, police officers, social workers and other counsellors. They lobby for reform on the local, provincial and national

levels, participating in community forums, workshops, marches and rallies.

Tactics used to stimulate needed institutional change may range from liaison work with police and hospitals to direct confrontation with these bodies. Political action may be initiated through organized marches, petitions, and lobbies often in cooperation with other community organizations. Teaching self-defense, organizing neighborhood safety patrols and giving support to women who want to confront men who have raped them, are undertaken by some centres that are committed to providing many alternatives - both within existing institutions and outside of them.

No matter what the tactic or method of organizing, always under review and always changing all Rape Crisis Centres are committed to the eradication of sexual assault.

The Effect of Rape Crisis Centres and Public Reactions

Though it is difficult to measure the immediate effect of any organization attempting to bring about social change, it can be said without doubt that the existence of Rape Crisis Centres has increased awareness of the incidence of sexual assault and the need for its re-definition. The specialized counselling and advocacy provided by centres does not duplicate services provided by other agencies: the thousands of women and men counselled and given information yearly by Rape Crisis Centres could not have received care elsewhere. One small northern Ontario centre reports that most calls they receive are anonymous, so great is the threat of public censure surrounding such assaults:

> There are many and varied individual victim stories that epitomize our need to continue, but most of it comes back to the main reason: the victim can't or won't go to anyone else. They don't have to worry about us being official and we stress confidentiality. We are a support system that takes over where community and/or social services stop. Many victims would not go to the hospital for the necessary care if we were not there to offer accompaniment. It is frightening to consider what would happen if a victim has no family or friends she can confide in.[79]

Yet at this stage in the brief period during which the centres have been on the scene, Rape Crisis Centres must still deal with a great deal of opposition, expressed in various ways, from administrators, policy makers and the general public.

In a recent report on sex crimes released by the Ontario Provincial Police this passage is contained in the introduction:

> A major concern to the public is what seems to be a sharp rise in sex crimes. Banner headlines in newspapers relating to sexual offenses, the establishment of Rape Crisis Centres and the change in the courts' attitude toward rape victims have further increased the public's fear and deep concern that our society is in an era of decadence. The fact that everyday parlance now includes such phrases as 'new morality', 'generation gap', 'turned on', and 'homosexual rights' does nothing to allay this fear.[80]

The bulk of the report that follows this introduction attributes the "seeming sharp rise" in sex crimes to "promiscuousness" and "indiscriminate behaviour" which seem intended to allay the public's alarm. A readiness to blame the victim of sexual assault, to dismiss it as natural male/female relations and a consequence of the immorality of women is still prevalent at all levels of society, for reasons discussed in the preceding section.

Not surprisingly, centres still encounter resentment against interferences or criticism of existing institutions and values. Educational programs may be refused as unnecessary and too time-consuming. The police department referred to in a previous section (which had great difficulty in taking a male complainant seriously) felt they "didn't need" training sessions on sexual assault. Attempts to provide information and speakers to high schools have often met opposition on the grounds that they might create paranoia among students. Religious groups have attacked anti-sexual assault work as the threatening sexual morality and the natural order of things.

Against this opposition, and despite limited financial support by governments or other established institutions, the Rape Crisis Centres are proving to be a pioneer service in an urgent area of need as well as an effective catalyst for change. Although it is a slow process, attitudes are changing.

Any group trying to bring about change encounters an often open hostility especially when it challenges very old and fundamental beliefs. The institutional structure of our society, laws, major religious beliefs, social customs and relationships are all challenged by new ideas towards sexual assault. In turn, police, courts, educational bodies and our governments all form a mutually supportive network which is very resistant to change.

SECTION VIII CONCLUSION

Decisions and Change

Sexual assault is first of all an act of violence, secondly a violent act of a particularly damaging kind that inflicts severe consequences on all of its victims. To control its incidence our attitudes must change: the first step is to stop thinking of sexual assault as something that can be tolerated - a natural hazard against which women should take proper precautions. The notion that violence is normal in sexual relations must be firmly rejected and dispelled before sexual assault in society can be rationally controlled.

Our sub-culture of funny jokes and titillating advertising reflects attitudes, learned at home, in the community and even in church, which condone the domination of women and wink at the possibility that force may be necessary to achieve it.

Those who have changed their attitude to sexual assault, men as well as women, are fortunately an increasing section of the population. But a more general understanding is required. This is not a problem that can be overcome by dealing kindly with a few individuals and assisting them to accept the terrible thing that has happened to them. In fact, to approach the problem this way is to encourage society to continue to be far less just and less rational than it must become if popular thinking is to change.

In putting forward proposals for change, this study therefore seeks to relate immediate, essential and specific steps to the larger, longer process of re-educating and informing society at large. In the short term, specific change can be implemented in institutions dealing with victims: hospitals, the medical profession, the police departments, the law and the courts. Victims need access to counselling services and these services need funding. Better approaches can be taken in rehabilitating offenders. Public security in our towns and cities can be improved. The media can be reminded

of their responsibility in reporting such efforts so the public is kept informed.

All these changes will depend on changed attitudes, especially in the key professions of medicine and law. Changed attitudes may bring about new policies based on the belief that sexual assault victims are legitimate victims in every sense, who deserve help like victims of any other type of assault. Treatment of such victims must be designed to deal with the emotional trauma of the experience as well as the physical injuries.

While appropriate treatment is something that a victim ought to be able to expect, our institutions also need to learn to be flexible in their administration. The weight of past and present censure may make many victims reject medical and legal processes. Their right to choose this course must be respected since sexual assault, though now considered a "crime against the state", is first of all a crime against a person; she has the right to decide whether or not to go to the police or the hospital. Once the victim is informed about the recourse available, the right to choose whether to take advantage of it is an essential element in helping her regain her sense of self-worth.

Children and mentally handicapped victims need the intervention of advocates on their behalf.

Medical Care

Procedures in the collection of medical evidence for court trials should be standardized; otherwise successful prosecution of the assailant is made more difficult. Explicit directions and/or training of medical personnel in the proper procedures should become routine. These procedures would include a complete history of the client, a record of the attack, a complete physical examination including follow-up information and treatment, and the use of a standard evidence collection kit - a kit now available for use in

some hospitals.

The victim should always be given full information on the procedures being followed, the importance of avoiding delay explained and information regarding pregnancy, treatment of venereal disease, and follow-up care of injuries or side effects of any medication used. Information should include a description of the counselling services available.

The services of a gynecologist or other medical doctor to treat these victims. Female doctors should be available to treat those victims who prefer to be attended by a female physician.

Emotional crisis care for victims of sexual crimes should become standard in the training of emergency personnel. This training should deal with the special needs of sexual assault victims and the attitudes that discriminate against them. Such training should be routine for everyone who comes in contact with sexual assault victims, including gynecologists, interns, technicians and emergency room nurses. The training, to be effective, must go beyond clinical aspects of sexual assaults to a deeper and more accurate understanding of the crime.

Police Procedures

Policy changes are needed in the initial screening process by police officers. The "founding" evaluation requires new, strict guidelines. Bias against certain kinds of women and their perceived credibility will not change quickly; the initial reporting process is the crucial point where this bias can do great harm. Objective, stringent guidelines should be introduced to determine whether investigation can end and charges be dropped. If this happens, victims should be told why. They should also be provided with information on alternatives open to them, such as personally launching charges or civil suits for damages or seeking reparation under the Criminal Injury Compensation Board.

Any harassment of victims, including direct intimidation through improper use of lie detector tests or by threats of using public mischief charges against them, must end. No pressure should be exerted on victims who decide they do not want to proceed with action against the assailant.

Statements should be taken promptly by one or two officers in a private and comfortable atmosphere. Both male and female officers should be available for this work. Respectful and compassionate treatment should of course be expected by every one who reports a violent crime, no matter what its nature.

Training and retraining programs for police officers should include an understanding of the psychological effects of sexual assault on a victim, and her need for emotional support. A frank examination of the facts and fallacies surrounding sexual assault should be part of police training.

Court Procedures

In cases of sexual assault, court procedures ought to allow more considerate treatment of the victim-witness to lessen the trauma of testifying, especially for young people. Practices such as segregating the witness, allowing little or no contact with the prosecuting attorney and barring counsellors from the courtroom must cease. The more humanistic approach of the new law now before Parliament severely limits the questions allowed regarding previous sexual conduct. Any procedure which further victimizes the primary witness, puts her on trial, and thereby discourages other women from prosecuting their assailants, needs to be changed.

Court officials and the legal profession should address themselves immediately to the fundamental change in approach which the new law is designed to bring about. A different code from the ancient one that permitted so much abuse, is suggested by Clark and Lewis in <u>Rape: The Price of Coercive Sexuality</u>:

1. The physically coerced use of another person's body for any purpose whatsoever is wrong in itself.

2. The use of a person's body for a sexual purpose, in physically coercive circumstances is wrong regardless of who that person is, or of the 'value' which that person is believed by others to have.

3. Such acts are wrong whether or not any harm was intended, or actually inflicted on the victim. Sexual attacks no less than others, always create risk of harm; those who commit them are responsible for the creation of such risk and for any harm that occurs.

4. The use or threat of physical force is sufficient to negate any presumption of consent to the act in question, sexual or otherwise. 'Proof' of lack of consent is therefore unnecessary, and medical corroboration of the victim's resistance is therefore irrelevant...[82]

The Law

Desirable changes in federal legislation have been introduced in the 1981 session of parliament in Bill C-53, an amendment to the Criminal Code. The amendment would establish sexual assault as a distinct form of assault, and in two categories according to the gravity of the attack. However, among some women's groups doubts still exist about certain aspects of the Bill. These must be examined again before the Bill becomes law, but must not be used to delay passage indefinitely. As of this writing, Bill C-53, like C-52, risks dying on the order papers.

The immediate task, once the law is passed, will be for the judicial system to translate these new legal concepts into courtroom practice and also into the working procedures of police departments. Continual monitoring by women's groups and Rape Crisis Centres will be necessary to ensure this transition.

It is important to say again that enlightened legislation will only be effective if it is supported by the social attitudes prevailing in the country at large. Real improvement is a task that society as a whole must set itself, if the antiquated and damaging attitudes of the past are to be put behind us.

Victim Support

Skilled and confidential counselling services should be available to sexual assault victims and their families. The need is particularly acute in small, isolated communities. Therapeutic service is needed to help the victim overcome the effects of the attack and to gain sufficient strength and self-understanding to deal with normal sexual and human relations in future.

Emotionally disturbed and mentally handicapped victims may need special assistance which does not infringe on their rights to dignity and self-direction. An advocate may be needed to help these victims cope with family, friends and officials. Children also need special consideration. Children as victims of incest need particularly skilled care that places their needs first.

But a victim of attack who is neither a child nor a handicapped adult has a particular need to be allowed room for growth and personal redirection, in regaining control of her own life. It should not be the aim of the counselling service to create a dependency, or to instil particular views of the world or of sexual relationships. The victim needs assistance in coming to an understanding of these matters in her own way and in her own time.

Sexual Assault Crisis Centres

These centres should be recognized not as fringe groups but as a valid community response to a social problem. Funding and community support for a sexual assault crisis service should exist in every geographical area of Canada especially in isolated northern communities. Adequate funds will provide one or more staff and adequate operating expenses for each centre.

Properly funded, the centres must take on additional tasks. Although personal counselling of victims is important, centre workers must also

provide for information, give courses and share their expertise with institutions interested in this field. Research into sexual assault must also be part of their function. Depending on the particular situation, lobbying and political work may also continue to be part of their role. At the moment the present scope of Crisis Centres is limited; efforts must be made to reach women in isolated areas and in minority groups.

Offender Programs

Penalties must be brought in line with the seriousness of the offense. Assailants who are caught and tried must learn that sexual assault is unacceptable in a civilized society. Rehabilitation programs must be based on a social rather than an individualistic or purely psychological analysis of the crime. The programs must be geared to real behavioural and attitudional change in the offender toward the women and children he knows, and toward people in general. His old assumptions about violence and sex must be challenged: he must be required to examine these assumptions and to discover how they can be changed.

Since the vast majority of sexual assailants are never incarcerated, offender programs will reach only a few. The long-term re-education of the public is again seen as the only truly effective measure to deal with sexual assault.

Public Measures of Prevention

At present, prevention is usually thought of as the means women can take to save themselves from attack. How can society fulfill its responsibility? The provision of publicized self-defense courses are one answer. Street and park patrols and better lighting would provide better security. Employers could better live up to their responsibility to prevent and if necessary deal with all forms of sexual harassment and exploitation in

the workplace. Measures to ensure safety for women on the job must be considered part of the right of women to participate in all kinds of employment. Physical safety and emotional security must be the first priority for children in situations known to be potentially dangerous.

Media

Myths about rape are furthered by inaccurate or sensationalist reporting and a bias towards particularly bizarre crimes. This may be because reporters often do not have enough background knowledge of the law. Legal resource people and Sexual Assault Crisis Centres personnel might try to provide background information so that sexual assault trials may be more accurately reported.

Education

The facts about sexual assault should be provided to Guidance and other school counsellors. Sexual Assault Crisis Centre workers can often be used effectively in the classroom in courses related to social behaviour. Education can begin with the very young, who can be taught that they have a right not to be handled by anyone if they don't want to be, and conversely that they have no right to forcibly handle others. For young people who are dating, a sex education course would explain sexual assault in terms of sexual coercion so that it is no longer viewed as deviant or sensational, but as an unacceptable social act. Children and young people should know their rights, including the right to refuse sexual abuse. Self-defense techniques, verbal and physical, should be explained matter-of-factly in dealing with these concepts. School counsellors should be especially aware of the need to assure children who are being sexually abused that they will keep their confidence.

Women's Part in Creating Change

Women have initiated the movement toward the treatment of victims of sexual assault largely, no doubt, because they are its chief victims. Susan Griffin in Rape: The Power of Consciousness, wrote about a man in Berkeley who had been sexually assaulting women there for half a decade. He had been tolerated, his actions passively condoned with all the usual excuses. One of the women he attacked, a well known reporter, chose to speak out against her assailant. Susan Griffin writes:

> And how can I tell you what it felt like to hear Carolyn Craven speak out about this rape? A kind of opening of the field. This terror, this subjection, this humiliation and torture, she said, we will not bear. I remember him, she said. I hold this man accountable. I hold this city accountable. I do not bear this act alone. We do not. We do not accept this state of being in submission and trembling and fear for our lives, of locking the door against brutality, and sleeping uneasily, of our lives on edge, we do not accept this.[82]

Women, in taking the lead, have found themselves obliged to re-examine their views on personal freedom and human rights: the prevalence of sexual assault has to be seen clearly as an unjust restriction on their mobility, their right to participate in the full range of human activity.

The attitude of other women toward women who are victims of sexual assault is a crucial factor in coming to terms with the need for fundamental change. In all cases, a broader understanding of the meaning of justice and a real sense of the nature of this crime are vital. The anti-rape movement began when women began to share compassion and began to have the courage to confront the issue openly.

Long-term Change

In this study we have tried to examine the causes of sexual assault as well as the inequities in the treatment of its victims. We have concluded that our culture is sexually exploitive. Attitudes toward the victims of sexual assault cannot be changed in isolation from those we have towards pornography, sex-roles and male/female relationships. Our response must therefore go beyond making changes in hospital and police procedures and increasing public security. Change in individual attitudes and relationships is essential.

FOOTNOTES

1. Sedelle Katz and Mary Ann Mazur, Understanding the Rape Victim: A Synthesis of Research Findings, John Wiley & Sons, New York, 1979, p. 38.

2. Julie Brickman et al, Winnipeg Rape Incidence Project, a paper presented at the annual conference of the Canadian Association of Sexual Assault Centres, May 1980, p. 1.
Rape was defined as a "sexual act, forced on a woman by a man (degree of relationship with the man is not relevant), which resulted in oral, anal or vaginal intercourse ...". Force is defined as the "exertion of power by a man causing a woman to comply against her resistance". Force includes: "(1) physical violence or threats of violence to the woman or to someone she loves (i.e. child, husband), (2) verbal threats of violence which the woman would find intolerable were they actually to occur". Other sexual assault was defined as: "Any sexual act (other than rape as defined above) which took place against a woman's will. Included in this area are the following: (1) grabbing a woman's breast(s), buttocks or genitals against her will; (2) holding a woman and rubbing against her, squeezing her, etc., against her will; (3) tearing or pulling at a woman's clothing against her will; (4) attempted rape (as defined above) which fails."

3. The Rape Crisis Centres Statistics Collection Project was conducted to design and test a method of collecting statistics from the casefiles of Rape Crisis Centres. Six researchers and the project co-ordinator carried out the pilot project in five Ontario centres chosen as a cross-section of centres. The project was funded by a Youth Job Corps grant from Employment and Immigration Canada and supervised by the Canadian Advisory Council on the Status of Women. Data was collected between March 1st, 1979 to February 29, 1980.

4. Lorenne Clark and Debra Lewis, Rape: The Price of Coercive Sexuality, Women's Educational Press, Toronto, 1977, p. 38.

5. Susan Brownmiller, Against Our Will - Men, Women and Rape, Simon and Shuster, New York, 1975, p. 366.

6. S. Katz and M.A. Mazur, op. cit., p. 33 (see footnote no. 1).

7. Ibid., p. 43.

8. Ibid., p. 39.

9. Deb Friedman and Rebecca Lovelace interviewed Barbara Meyers in "Daddy Said Not To Tell" in Aegis, Sept.-Oct. 1978, p. 47.

10. Diana Russell, The Politics of Rape, Stein & Day, New York, 1975, pp. 119-120.

11. Joseph S. Peters, L.C. Meyer and N.E. Carroll, The Philadelphia Sexual Assault Victim Study, National Institute of Mental Health, June 1976, p. 120.

12. Joanie Vance, Rape and the Law: A Background Paper, unpublished paper for the Canadian Association of Sexual Assault Centres, 1978, p. 5, based on statistics and estimates for 1971.

13. S. Katz and M.A. Mazur, op. cit., p. 102 (see footnote no. 1).

14. Menachim Amir, Patterns in Forcible Rape, University of Chicago Press, Chicago, 1971, p. 200.

15. Lorenne Clark, Group Rape in Vancouver and Toronto, unpublished report, p. 2.

16. M. Amir, op. cit., p. 143 (see footnote no. 14).

17. Ibid., p. 218.

18. S. Katz and M.A. Mazur, op. cit., p. 167 (see footnote no. 1).

19. A. Nicholas Groth, Men Who Rape, Plenum Press, New York, 1978, p. 14.

20. Ibid., p. 94.

21. Ibid., p. 157.

22. Ibid., p. 25.

23. D. Russell, op. cit., p. 245 (see footnote no. 10).

24. D. Friedman and R. Lovelace, op. cit., p. 45 (see footnote no. 9).

25. "General area" is defined as geographical proximity so that the victim would be at or near the scene of the crime again, could be a neighbourhood, district or town.

26. S. Katz and M.A. Mazur, op. cit., p. 129 (see footnote no. 1).

27. Information was available in twenty cases.

28. D. Russell, op. cit., p. 222 (see footnote no. 10).

29. Ibid., p. 191.

30. Herbert Maisch, Incest, (trans. Colin Bearne), Stein & Day, New York, 1972, quoted in Katz and Mazur, op. cit., p. 256 (see footnote no. 1).

31. M. Amir, op. cit., p. 159 (see footnote no. 14).

32. Ibid., p. 155.

33. Morton Bard and Katherine Ellison, "Crisis Intervention and Forcible Rape", in The Police Chief, May, 1974.

34. J. Brickman, op. cit., p. 9 (see footnote no. 2).

35. Ibid., p. 8.

36. Lynda Holmstrom and Ann Burgess, The Victim of Rape: Institutional Reactions, John Wiley & Sons, New York, 1978, p. 56.

37. J. Brickman, op. cit., p. 8 (see footnote no. 2).

38. Ibid., p. 8.

39. S. Katz and M.A. Mazur, op. cit., p. 270 (see footnote no. 1).

40. L. Holmstrom and A. Burgess, op. cit., p. 98 (see footnote no. 36).

41. Ibid., p. 93.

42. Ibid., p. 73.

43. E. LeBourdais, "Rape Victims: Unpopular Patients" in Dimensions in Health Service, 53(3), March 1976, p. 12.

44. Ibid., p. 12.

45. J. Brickman, op. cit., p. 1 (see footnote no. 2).

46. L. Clark and D. Lewis, op. cit., p. 58 (see footnote no. 4).

47. L. Holmstrom and A. Burgess, op. cit., pp. 43-44 (see footnote no. 36).

48. L. Clark and D. Lewis, op. cit., p. 58 (see footnote no. 4).

49. Nancy Goldsberry, Rape in British Columbia, a brief to the Attorney General of B.C., p. 48.

50. L. Holmstrom and A. Burgess, op. cit., pp. 163-164 (see footnote no. 36).

51. L. Clark and D. Lewis, op. cit., p. 56 (see footnote no. 4).

17. N. Goldsberry, op. cit. (see footnote no. 49).

53. S. Brownmiller, op. cit., p. 1 (see footnote no. 5).

54. Ibid., p. 20.

55. Ibid., p. 21.

56. Mr. Justice Dickson, "Rapists Can Have Honest Belief in Consent Without Reasonable Cause?" in Kenesis, July 1980, p. 5.

57. L. Clark and D. Lewis, op. cit., p. 164 (see footnote no. 4).

58. Neil Brooks, "Rape and the Laws of Evidence", in Chitty's Law Journal, Vol. 23, No. 1, 1975, p. 5.

59. Hon. Otto Lang, quoted in Brief on Rape, Provincial Council of Women of Manitoba, 1975, p. 11.

60. Chief Justice Bora Laskin, Globe and Mail, June 10, 1980, p. 1.

61. Canadian Association of Women and the Law, Sexual Assault Offenses: A Response to Bill C-52, unpublished paper.

62. Connie Backhouse and Leah Cohen, "Desexualizing Rape: A Dissenting View on the Proposed Rape Amendments", in Canadian Women's Studies, Vol. 2, No. 4, 1980, pp. 99-103.

63. San Francisco Chronicle, May 27, 1977, in Rape: The Power of Consciousness by Susan Griffin, Harper and Row, New York, 1979, p. 86.

64. Ibid., p. 86.

65. M. Amir, op. cit., p. 266 (see footnote no. 14).

66. Eugene Kanin, "Selected Dyadic Aspects of Male Sex Aggression" in Rape Victimology, (Leroy S. Schultz, ed.), Charles C. Thomas, New York, 1975, p. 58.

67. L. Clark and D. Lewis, op. cit., p. 136 (see footnote no. 4).

68. Ibid., p. 136.

69. Ibid., p. 92.

70. Ontario Provincial Police, A Survey of Sexual Offences within the OPP Jurisdiction during the Six-Month Period of April 1978 to September 1978, p. 3.

71. L. Clark and D. Lewis, op. cit., pp. 125-132 (see footnote no. 4).

72. A.N. Groth, op.cit., p. 131 (see footnote no. 19).

73. Maureen Saylor, in This Film Is About Rape, quoted in Handbook on Rape and Rape Prevention, Peterborough Rape Relief, 1979, p. 13.

74. MS, February 1980, p. 62.

75. Natalie Shainess, Women Against Violence in Pornography and Media, November 1977, p. 1.

76. Judith Reisman, "Women Against Violence in Pornography and Media Newspage", April 1978, p. 3.

77. Susan Griffin, Rape: The Power of Consciousness, Harper and Row, New York, 1979, p. 27.

78. Constitution of the Canadian Association of Sexual Assault Centres, 1978, p. 1.

79. Conversation with rape crisis centre worker.

80. Ontario Provincial Police, op. cit. (see footnote 70).

81. L. Clarke and D. Lewis, op. cit., p. 186 (see footnote no. 4).

82. S. Griffin, op. cit., p. 29 (see footnote no. 78).

APPENDIX

RAPE CRISIS CENTRES

Victoria Rape/Assault Centre
1947 Cook Street
Victoria, British Columbia
V8T 3T8

Nanaimo Rape Crisis Centre
361 Vancouver Avenue
Nanaimo, British Columbia

Cowichan Rape/Assault Centre
Box 89
Duncan, British Columbia

Nelson Rape Crisis Line
c/o Nelson Women's Centre
307 Vernon Street
Nelson, British Columbia

Northwest Women in Crisis
Box 821
Terrace, British Columbia
V8G 4R1

Vancouver Rape Relief
77 E20th Avenue
Vancouver, British Columbia
V5V 1L7

Calgary Rape Crisis Centre
723 14 St. N.W., # 202
Calgary, Alberta

Edmonton Rape Crisis Centre
10179 105th St., #308
Edmonton, Alberta

Saskatoon Rape Crisis Centre
E 249 2nd Ave. South
Saskatoon, Saskatchewan
S7K 1K8

Regina Rape Crisis Centre
219 - 1808 Smith Street
Regina, Saskatchewan

Thompson Rape Crisis Centre
#1 - 55 Selkirk
Thompson, Manitoba
R8N 0N5

Winnipeg Rape Crisis Centre
545 Broadway Avenue
Winnipeg, Manitoba
R3C 0Y5

Brandon Rape Crisis Centre
c/o Val McMannis YWCA
148 11th Street
Brandon, Manitoba

Battleford Area Rape Crisis Centre
Box 1044
North Battleford, Saskatchewan
S9A 3K2

Thunder Bay Rape and Sexual Assault
Crisis Centre
Box 314
Thunder Bay, Ontario

Women's Place Kenora
136 Matheson
Kenora, Ontario

Algoma District Sexaul
Assault Centre
Box 785
Sault Ste-Marie, Ontario
P6A 1Z0

Timmins Sexual Assault Centre
Box 391
Timmins, Ontario

North Bay Rape Crisis Centre
Box 1012
North Bay, Ontario

Ottawa Rape Crisis Centre
Box 35, Station B
Ottawa, Ontario

Sexual Assault Crisis Centre
Box 1141
Cornwall, Ontario

Peterborough Rape Relief
Box 1697
Peterborough, Ontario

Sexual Assault Crisis
Centre Kingston
Box 1461
Kingston, Ontario

Scogog and District Sexual Abuse
(Rape) Crisis Centre
Box 1226
Port Perry, Ontario
L0B 1N0

Oshawa-Durham Rape Crisis Centre
Box 2373
Oshawa, Ontario

Toronto Rape Crisis Centre
Box 6597, Station A
Toronto, Ontario

Hamilton Rape Crisis Centre
215 Main Street West
Hamilton, Ontario
L8P 1J4

Niagara Region Sexual Assault Centre
5017 Victoria Avenue
Niagara Falls, Ontario
L2E 4C9

Guelph/Wellington Women in Criris
Box 1451
Guelph, Ontario

Rape Information Centre
Newfoundland Status of Women Council
Box 6072
St. John's, Newfoundland
A1C 5X8

Sexual Assault Crisis Centre
1598 Ouellette Avenue
Windsor, Ontario

Hull - Centre d'aide aux victimes
de viol
C.P. 1872, Succursale B
Hull (Québec)

Mouvement contre le viol
Collective de Montréal
C.P. 907, Succursale H
Montréal (Québec)

Trois Rivières - Centre d'aide aux
victimes de viol
C.P. 776
Trois Rivières (Québec)

Sherbrooke - Centre d'aide aux
victimes de viol
C.P. 1594
Sherbrooke (Québec)

Chateauguay Rape Crisis Centre
Box 284
Chateauguay, Quebec

Québec Viol-secours
C.P. 272
Québec (Québec)
J1K 6W3

Moncton Anti-Sexual Assault Centre
Box 474
Moncton, New Brunswick
E1C 8L9

Fredericton Rape Crisis Centre
Box 174
Fredericton, New Brunswick
E3B 4Y9

Mokammi Status of Women Council
Rape Committee
Box 329
Happy Valley, Labrador

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